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Letter dated 4 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Nauru, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-41406 (E) 170602

Annex

Letter dated 31 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Nauru to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour of submitting, on behalf of the Government of the Republic of Nauru, the first national report pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

As noted in paragraph 1.12 of the report, the Republic of Nauru faced some technical difficulties in preparing the report given its lack of capacity. The Government of Nauru would therefore welcome any technical assistance that can be provided by the Counter-Terrorism Committee to help in the updating and improvement of the present report, or in the preparation of future reports on the implementation of resolution 1373 (2001).

(*Signed*) Fredrick W. **Pitcher**
Deputy Permanent Representative
Chargé d'affaires a.i.

Enclosure

Report of the Republic of Nauru to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

1. INTRODUCTION

1.1 Nauru is a single Island Nation situated in the Central Pacific some 41 kilometres south of the Equator at O° 32's latitude and 166° 56' E longitude. The total land area is approximately 2,158 hectares of which about 75% has been made uninhabitable by phosphate mining: the remainder consists of a narrow coastal plain where much of the population and infrastructure are situated.

1.2 Nauru is isolated: its nearest contact by air is Tarawa in Kiribati, more than 700 km to the North East. Other neighbours are Majuro, in the Marshall Islands, more than 900 km to the North and the nearest mainland Australia, more than 3,000 km to the South West.

1.3 The population of Nauru is approximately 11,000 of which approximately 9,000 are Nauruans, with the remainder being largely people employed under contract to provide various services to the government and phosphate industry. These people are, principally, other Pacific Islanders from Kiribati and Tuvalu, with some Chinese, Indians and Australians. More than 50% of the population is under the age of 15 years and about 2% are over the age of 65.

1.4 The winding down of the phosphate industry, the country's sole source of foreign revenue, has resulted in serious economic decline — with GDP falling by almost 80% since the 1980s. Successive governments have relied on deficit budgets financed by external borrowings — a practice which has led to a severe reduction in the value of assets that had been accumulated by the Nauru Phosphate Royalties Trust ostensibly for the long-term future of the people.

1.5 Nauru owns and operates a single aircraft airline (a Boeing 737-400) operating between Australia and Nauru twice a week and to Kiribati and Fiji once a week. There are no other regular air services other than a weekly aircraft from Kiribati.

1.6 All of Nauru's food except for a small amount of seafood is imported along with all other goods by air or by sea. Sea freight services are "on demand" and often cargoes are unable to be

unloaded for several weeks due to unfavourable conditions for mooring the ships in the open ocean utilising buoys that provide the only form of anchorage.

1.7 Nauru's telecommunication facilities consist of an earth station, landlines and a cellular service that are in the process of being up-graded.

1.8 Diesel generators provide electricity on Nauru and the petroleum products required to fuel the power station, motor vehicles and the airline are imported in bulk except for lubricants, which are imported in drums.

1.9 The Bank of Nauru is fully owned by the Republic of Nauru and it operates as a central bank as well as a trading bank for the island. It is the only bank operating on Nauru.

1.10 Nauru imposes no income or similar taxes but does impose a small import duty on a small range of goods (primarily alcohol and tobacco). The export of cash from Nauru in excess of AUD5,000 is prohibited except with a licence.

1.11 Nauru became a member of the United Nations on May 1st 1999, 31 years after attaining Independence on 31 January 1968: it is also a member of other international organisations.

1.12 Nauru strongly supports the efforts of the United Nations to combat international terrorism and other forms of criminal activity and is moving towards implementation of its obligations. However its capacity to so is severely limited by a lack of resident personnel experienced and knowledgeable to provide it with advice on many matters connected with its international obligations. Nauru has to utilise the service of legal consultants on ad hoc basis to assist whenever the need arises. The report that follows indicates the position in Nauru at present as required by Resolution 1373 (2001).

2. TREATIES AND OTHER INTERNATIONAL ACTION

2.1 Nauru has, since Independence, acceded to or confirmed that it was bound by a number of treaties and conventions, which had been applied to it while under the Trusteeship of the Commonwealth of Australia.

2.2 Since Independence Nauru has become a party to a number of treaties and conventions including:

- Tokyo Convention on Offences and Other Acts Committed on Aircraft 1963

- Hague Convention for the Unlawful Seizure of Aircraft 1970
- Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971
- Treaty of Rarotonga (1985)
- United Nations Convention on the Rights of the Child
- Convention on the Prohibition for the Stockpiling, Transportation and Use of Chemical Weapons.
- Treaty on Non-Proliferation of Nuclear Weapons (NPT)
- Convention on Hazardous & Toxic Wastes (Waigani Convention)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines
- Comprehensive Test-Ban Treaty (CTBT)
- Rome Statute (International Criminal Court)
- The UN Convention against Transnational Organized Crimes
- Convention for the Suppression of the Financing of Terrorism
- Convention on Prohibitions on the Use of Certain Conventional Weapons Deemed to be Excessively Injurious or to have Indiscriminate Effects and its Protocols
- Convention on the Safety of UN and Associated Personnel

2.3 Since the first decade after Independence, Nauru has not considered it either necessary or desirable to undertake a comprehensive review of its laws as it has been found that there is little tourism or movement in and out of the country of foreign nationals, little demand for the use of its corporation and banking laws and regulations and the general crime scene remains petty with occasional crimes of violence usually resulting from domestic issues.

2.4 Over the past several years Nauru has come to accept that its isolation from world commerce and a very small entry of visitors (whether for business or pleasure) is no guarantee that outside forces will not seek to interfere in various ways in its internal affairs thereby leading to a decision by government to undertake a comprehensive review of all aspects of the legal system from the laws inherited at Independence and still in force to new laws required to meet changing world needs, from the increased use of the internet to new forms of criminal activity — particularly money laundering and terrorism.

2.5 Nauru has, in order to comply with its international obligations, brought within its municipal laws, laws concerning activities connected with civil aviation and money laundering and has a number of laws in place covering a number of areas overlapping those proposed to deal with terrorism.

3. MUNICIPAL LAWS

3.1 Laws of Nauru which directly implement its international obligations to control criminal activity include the following:

Air Navigation Act 1971 and regulations made there under particularly the Air Navigation Regulations 1973. These prohibit the carriage of any form of munitions, explosives and dangerous goods.

Anti Money Laundering Act 2001 prohibits the offence of money laundering which includes such things as the receipt of payment directly or indirectly for the commission of criminal acts and establishes a Financial Institutions Supervising Authority to regulate and supervise persons and organisations involved in a wide range of activities.

Extradition of Fugitive Offenders Act 1973 provides for the extradition from Nauru of persons accused of offences in foreign countries designated by Cabinet. Extradictable offences include murder, manslaughter, kidnapping acts done with intent to endanger a vehicle, vessel or aircraft, offences against laws relating to dangerous drugs or narcotics, hi-jacking aircraft and money laundering.

3.1 Laws of Nauru which have been in place for some time and which generally regulate criminal activity include the following:

Arms and Opium Prohibition Ordinance 1936-1967 prohibiting the sale or possession of any kind of firearm and of opium.

Criminal Code of Queensland applied to Nauru provides for a large measure of prohibition of criminal activity including murder, manslaughter, assaults, threats of violence, possession of explosive dangerous or noxious substances or things. It covers parties who with intent to commit an offence attempt to do so whether or not the intention is carried out or cannot be carried out; or procure or attempt to procure a criminal act or omission. Parties who may be liable include principal offenders, conspirators and other accessories which including persons who finance criminal activity. Liability attaches to offences committed wholly or partly in Nauru, to accessories outside Nauru who

counsel or procure offences in Nauru, and to accessories in Nauru who counsel or procure offences outside of Nauru.

Dangerous Drugs Ordinance 1952-67 prohibits the import export making or disposal of a wide range of dangerous drugs and narcotics

Explosives Ordinance 1924 prohibits the importing or possession of any form of explosive without a permit

Expulsion of Undesirables Ordinance 1961 provides for the expulsion from Nauru by Presidential Order of any non- Nauruan who has been convicted of an offence punishable by imprisonment for one year or more, or whose conduct is likely to be prejudicial to the peace order or good government of Nauru.

Passports Act 1997 controls the issue and entitlement to Nauruan passports.

4. ACTIVITY

4.1 As indicated, the government of Nauru has directed the commencement of a comprehensive review of all of its statute law with a view to ensuring that the framework of its legal system is compatible with its international legal obligations. However work upon the full and specific implementation of Resolution 1373 has been held back pending consideration of the Model Law that is in preparation by a group of experts set up by the Commonwealth Secretariat.

4.2 Until such time as Nauru's legislative program is put into effect the government believes that the country's laws in place are adequate to deal with any threats or unlawful activities likely to be made within or affecting Nauru.

5. CONTACT POINT

5.1 Until further notice the Government of Nauru has designated the Ministry of Foreign Affairs and its Permanent Mission in New York as the national focal points for information or assistance in connection with matters arising under Security Council Resolution 1373.

[May 30, 2002]

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Security Council

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The Counter-Terrorism Committee has received the attached report from Fiji, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-41432 (E) 180602

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Annex

Note verbale dated 31 May 2002 from the Permanent Mission of Fiji to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of the Republic of Fiji to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, further to paragraph 6 of the aforementioned resolution, has the honour to transmit herewith the report of the Government of Fiji on the steps it has taken to implement the said resolution (see enclosure).

Enclosure

Report of the Government of the Republic of Fiji pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Operative Paragraph 1

Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d).

Mutual Assistance Act 1997 and the *Proceeds of Crime Act* 1997 were enacted prior to September 11. They contain pertinent issues in tracing, confiscation and collaboration in investigation on proceeds of crime – in monetary and non-monetary b
enefits.

Specific action needs to be taken by the Finance Ministry and the Reserve Bank with respect to the consolidated list of entities, organisations and individuals compiled by the CTC to establish possible or actual transactions by these groups in Fiji, if any with respect to combating terrorism financing.

Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

No specific legislative or executive response has been taken after September 11 and Resolution 1373. It is anticipated that such responses would need to take place within a broader reform package that accommodates all relevant issues.

The *Mutual Assistance in Criminal Matters Act* and the *Proceeds of Crime* Act contain relevant provisions and sanctions. The offence of Money laundering attracts a fine of $120,000 and/or imprisonment not exceeding 20 years (69). The penalty for predicate or serious offence is death or imprisonment of not less than 12 months (s3). Other penalties include property confiscation or forfeiture, which are to be facilitated by search and seizure of tainted property, lifting of the corporate veil, or restraining orders.

Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Mutual Assistance Act 1997

Proceeds of Crime Act 1997 sections 69 or 70 create the offences of money laundering. S61 requires a financial institution to inform the Commissioner of Police or the Director of Public Prosecutions (DPP) where it has reasonable grounds to suspect that information it has on a transaction maybe relevant to an investigation. S59 also require financial institutions to identify, verify and keep records of identities of customers.

Similarly, the Reserve Bank also issues its anti-money laundering guidelines. Under its principal legislation *Reserve Bank Act* Cap 210 1993 the Reserve Bank administers exchange controls to monitor and regulate capital flows through the banking system.

The *Exchange Control Act* sets out other relevant conditions for determination by the Reserve Bank of residency, for opening of non-resident accounts in Fiji or other currency, in offshore or Fiji banking, financial or credit institutions, which are registered or approved by the Reserve Bank. The Reserve Bank monetary policies and exchange control measures have been progressively relaxed since September 11.

In February 2002 the Fiji Anti-Money Laundering Officials Committee (AMLOC) completed a Mutual Evaluation Exercise on Fiji's anti-money laundering regime, through the Asia Pacific Group Secretariat in line with the Financial Action Taskforce's 40 Recommendations.

Other relevant legislative framework of relevance for further inquiry by the Counter-Terrorism Committee include the *Excise Act* Cap 199, *Finance (Control and Management)Act* Cap 69, *Customs Act* Cap 196, and other taxation or revenue legislation.

Sub-paragraph (d) - What measures exist to prohibit the activities listed in this sub-paragraph?

In addition to the provisions of the *Mutual Assistance Act* 1997 and *Proceeds of Crime Act* 1997, the AMLOC is in place to oversee initiatives to combat money

laundering. The Committee is chaired by the Ministry of Justice and comprised of the DPP Office, Solicitor General, Fiji Police Force, Reserve Bank of Fiji, and Fiji Revenue and Customs Authority. Other ministries will join the committee. It will report directly to the National Security Council on implementation of current initiatives. AMLOC will also oversee formulation of new initiatives. Its mandate is envisaged to expand to reflect its counter terrorism overseeing functions.

Of general application, specific statutes govern the conduct of charitable, religious, cooperative, political, incorporated or professional societies, unions, bodies, or associations (see Laws of Fiji Caps 66 to 68, 248 to 261). It is yet to be explored how these could be open to infiltration by likely terrorist groups. However, a recent deregistration of a charitable trust, as determined by the Courts, serves as a precedent to dissuade terrorist-linked organisations from conducting business or activities in Fiji.

Operative Paragraph 2

Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The Constitution of the Republic of the Fiji Islands Article 112 reinforces the establishment of the Republic of Fiji Military Forces, which is administered by the Minister for Home Affairs under the Principal legislation *Republic of Fiji Military Forces Act 1949* Cap 81. That legislation governs the establishment, recruitment and operations of the military forces and its mandates.

Article 111 of the Constitution confirms the constitutional office status of the Commissioner of Police to command the operations of the Fiji Police Force. This discipline force is established by its principal legislation *Police Act* 1966 Cap 85. In addition to the recruitment and disciplinary regulations, the Act also defines general offences with respect to possession of articles supplied to police officers for the discharge of their duties such as arms if necessary, proscribes police officers' membership of certain associations, and circumstances for police service outside of Fiji (sections 43 to 59).

Emergency Decree
Constitution

<u>Sub-paragraph (b)</u> - What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

Mutual Assistance Act 1997 and *Proceeds of Crime Act* 1997

The National Security Council is now reactivated, following the May 2000 political crisis and the abolition of FIS by the Chaudhry government in 2000. Its core functions are to keep a tab on all matters concerning security, decide what actions to take for national security and be able to tackle problems before they arise, unlike the May 19 situation.

The May insurrection was avoidable if the ousted government had heeded police warnings. Allegedly, police and military intelligence had warned the [Chaudhry] government that things were building up and should be tackled at that stage. The police Special Branch and the Military Intelligence had performed their task of warning the government, that if nothing was done then the problem would escalate to a stage culminating in something like what happened on May 19.

The creation of Combined Law Agencies Group (CLAG) concept entails the sharing of information as well as combining resources and expertise to combat crime. This concept was conceived from the SPCPC and is developing its domestic mandate. Extending the latter to encompass the broader issues of international terrorism and related concerns requires up-skilling, specialist resources and appropriate technological assistance.

In November 2001, Police were monitoring people believed linked to two terrorists who slipped through the country undetected in September. In a bid to round up anyone who has any form of involvement with the terrorists, the Police Special Branch extended its investigations to detailed scrutineer of this case.

Airport security has been visibly tightened since 9/11.

More recently, through Interpol information sharing and collaboration Fiji Police was following activities of an international drug syndicate, which involves known Fiji persons or connections. The scope for extending such vigilance and monitoring cooperation and assistance to terrorists individuals and organisations

can be enhanced, to have wider involvement of border control agencies such as immigration, customs and excise and Ports Authority for instances.

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

No specific terrorists targeted provisions in the *Immigration Act Cap*. This regime requires appropriate review to accommodate terrorist related international crimes including people smuggling, human trafficking, illicit drug or illicit arms trade, etc. Government is currently reviewing our immigration laws, along with the restructure of the Department of Immigration to improve its efficiency and effectiveness.

Technical and expert assistance are identified in legislative drafting in this specialist administrative law area.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

Only Interpol for general international criminal activities associated with international terrorism
Mutual Assistance Act 1997 and *Proceeds of Crime Act* 1997

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The survival of treason offence was confirmed in the State prosecutions against instigators of the May 2000 civil takeover of the elected government. The guilty plea by the main 'coup' figure, Speight attracted a death sentence, which was commuted to life imprisonment under the President's constitutional prerogative of Mercy.

The related court martial of military mutineers of November 2000, which is now in progress, is also dealing with similar death sentences for the charges concerned in those proceedings. Some consistency in ruling and maintenance of constitutional bill of rights standards is necessary.

These contemporary examples present possibilities for expanding criminal offences to terrorist acts with corresponding severe penalties and sentences. This is also timely, given the present sentencing law reform reference which is being conducted by the Fiji Law Reform Commission.

Mutual Assistance Act 1997 and *Proceeds of Crime Act* 1997 are also relevant. Certain provisions have been identified for future amendment to fully comply with Resolution 1373.

In general, the Law review and reform is needed.

Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

In addition to bilateral and multilateral agreements, MOUs between Forum members through regional interagency organisations such as South Pacific Chief of Police Conference, Oceanic Customs Organisation, FRSC, Pacific Immigration Director's Conference which serve to promote information sharing on transnational crimes. They last met on 2-3 May 2002 to consider law enforcement issues in line with Resolution 1373 for further consideration at the Forum Regional Security Meeting in June 2002. Again the *Mutual Assistance Act,* and the *Proceeds of Crime Act* are relevant here.

Sub-paragraph (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

Tightening of airport security is an obvious response that the public has experienced directly.

Information alerts and exchanges with metropolitan agencies put border control agencies on notice on the entry of known terrorist, sympathizer or supporter, whose movement is tracked and monitored closely by the Special Branch. Special Branch is mandated to monitor internal political dissidence movements. Broadening its mandate will give it capacity for wider intelligence gathering on international terrorism.

Operative Paragraph 3

Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Work has/is started/progressing to get Fiji Police on the internet data base....see Samoa South Pacific Chief of Police Conference review on this facility..

Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?
Research, formulation and drafting of model legislation on transnational crimes are being driven on a regional level with the Forum Secretariat taking the lead role.

The set up of CLAG sets in motion its various constituent needs where CLAG branches are necessary in the following: Maritime, Airport, Anti Money laundering CLAG, Inter-department Support Group CLAG. These four elements will form the CTC at the National level, driven by the National Security Council (NSC). NSC consists of the PM, Attorney General, Minister of Finance, Minister of Home Affairs, PS Home Affairs, Commander RFMF, Commissioner of Police.

Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

Response to paragraph 2(c) is relevant

Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

Fiji is a party to the following five (5) international conventions and protocols relating to terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft 1969
- Convention for the Suppression of Unlawful Seizure of Aircrafts 1971
- Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation 1973
- Protocol for the Suppression of Acts of Violence At Airports Serving International Civil Aviation 1988 (, supplementary to the Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation 1973)
- Convention on the Safety of United Nations & Associated Personnel 1994

Government had made initial preparations for ratification in 1997 of the Convention on the marking of Plastic Explosives for the Purposes of Detection 1971, and in late 2000 for ratification of the International Convention for the Suppression of Terrorist Bombings 1997, and the International Convention for the Suppression of Financing of Terrorism 1999. In light of September 11, and the CTC mandate, these efforts need reenergizing. A Cabinet paper would serve to profile all relevant issues and gain the needed political endorsement to forge ahead with urgent matters.

Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

Constitution of the Republic of the Fiji Islands 1998 Chapter 14
Suppression of Terrorism Decree 1991
Penal Code Cap 17, (and *Criminal Procedure Code* Cap 21)

The Penal Code is archaic and has general provisions with reference to terrorism. Of specific nature are the proscribed offences of foreign enlistment (s71), piracy (s72), hijacking (s73) and related aircrafts offences (ss 74, 75 & 76).

The Penal Code Chapter 10 of includes provisions on unlawful assemblies or societies, riots and other offences against public peace.

Section 65(1) 'Seditious intention' corresponds to Part II (2) of the now repealed FIS Decree which defined 'terrorism' as the training, planning, preparations or other activities for the purposes of violent subversion in a foreign country or for the purposes of the Commission in a foreign country of other acts of violence.

Fiji Intelligence Service (FIS) Decree 1990. Its repeal in 1999 left a vacuum on the security front, which was attributed to the civil takeover of the Labour government. FIS was tasked to prevent and suppress the occurrence of violent subversive activities such as terrorism. In addition to the above definition, terrorism was also defined as acts of violence for the purposes of achieving a political objective in Fiji or in a foreign country including acts of violence for the purpose of influencing the policy or acts of a government in Fiji or in a foreign country. It also included under terrorism acts that are punishable under any law relating to internationally protected person, the hijacking of aircrafts or the protection of aircraft.
FIS would collate, process and provide accurate, impartial and timely intelligence information for use by the National Security Council, and approved departments agencies or persons.

Public Order Act Cap 20
In maintaining public order this Act proscribes acts or omissions calculated to bring death or injury to any person, class, community or body of persons, or to lead to the damage or destruction of any property or to prevent or defeat by violence or by other unlawful means the execution of or the enforcement of any written law or to lead to defiance or disobedience of any such law shall be guilty of an offence. Under the FIS Decree, such acts when committed were capable of being categorized as terrorist acts under its definition provisions, especially in case of hijacking or an aircraft related offence.

Civil Aviation (Security) Act 1994
This Act makes provisions for offences against the safety of Civil Aviation, for the protection of civil aviation from acts of unlawful interference, for airport security,, for the powers of search and arrest of operators and commanders of aircraft and related matters.

Part II sets out the offences against the safety of civil aviation as follows:

Section 3 Hijacking by any person on board an aircraft flight who unlawfully exercises forceful, threatening or intimidating actions of any kind to seize or control the aircraft's operation irrespective of the person's nationality, the country of registration of the aircraft or the location of the aircraft.
Section 4 makes liable any conspiracy or commission of any act on board an aircraft in connection with the hijacking. With respect to aircrafts used in military, customs or police services for Fiji the offence of Aircraft sabotage is defined in Section 5.
Endangerment of aircraft, airport sabotage, ancillary offences, taking of aircraft and various threats and false statements respecting aircrafts, and airports are also provided for.

Sub-paragraph (f) - What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

There is no specific legislative framework for refugees or asylum seekers in Fiji. It is important that law review and reform in Fiji aim to codify treaty obligations in refugee law as well as incorporating critical elements in screening asylum seekers for previous terrorist connections or activities. This is an area of need given the novelty of the subject and related issues, and its non-existence in Fiji.

Sub-paragraph (g) - What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Please refer to responses under OP3(f). In addition the absence of refugees or asylum seekers in Fiji territory has led to general complacency on this subject. The recent people smuggling cases involving Australia, which led to the set up of a Cabinet Sub-Committee on Refugees, have challenged this mindset. This Committee will likely need expert analysis and advice to accommodate the range of issues that have bearings on its refugee mandate.

Recent growing incidences of passport scams or travel identity offences and in numbers of stranded passengers have alerted the authorities to possibly bigger rackets. Media probings into the prominence of Chinese triad gangs in criminal activities in Fiji have added to more caution.

Executive Actions

Since the Honolulu Pacific Island Counter Terrorism Conference in March 2002, Fiji plans to establish a coordinated approach which will be driven by the National Security Council (Prime Minister, Attorney General, Ministers for Finance, and for Home Affairs) to monitor the implementation of Resolution 1373 based on reports from the four (4) component Committees:

- Anti-Money Laundering Officials Committee
- Airport Combined Law Agency Group (CLAG)
- Maritime CLAG
- Interdepartmental Support Group CLAG which includes the Police Special Branch.

This Plan needs Cabinet endorsement before developing further.

Areas of Need

Legal Expertise

Law reform and drafting expertise specializing in the area of international crimes and terrorism

Need expert analysis on the available options on the legislative framework:

- The Australian 7-Bills legislative package;
- The umbrella legislative approach preferred by the Expert Working Group on Legislative and Administrative Measure to Combat Terrorism, convened by the Commonwealth Secretaries; or
- The Omnibus Approach recommended for the former US territories.

Effective implementation of existing legislation within existing resources and capacity

Other Areas of Assistance that are identified

- **Design and delivery of effective administrative and policy mechanisms.**
- **Strengthened border control measures, which is now being rebuilt for purposes of complying with the copyright legislation requirements. Specific expertise in other areas pertinent to Res1373 are lacking.**
- **Monitoring and policing of international activities that are closely associated with international terrorism.**
- **Information Communication and Technology to strengthen capacity to stay vigilant.**
- **Internal Policy Coordination and need to be guided by Best Practice Models that other countries of similar local conditions, great isolation, fragile resource base, and technically weak resources,**

Fiji looks forward to dialogue with the Committee on Counter Terrorism. For ease of reference, copies of the Mutual Assistance Act 1997 and Proceeds of Crime Act 1997 can be accessed at the following UNCDP site: http://www.undcp.org/adhoc/legal_library/undcp/legal_library/index-countries-fj.html this site also has online texts of the Dangerous Drugs Act and its amending or subsidiary legislation.

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Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 4 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues with its illegal settlement activities in occupied East Jerusalem and the rest of the Occupied Palestinian Territory. These illegal actions aim at the judaization of the city and at the expansion of Israeli colonization of the Palestinian Territory. Yesterday, Mr. Ehud Olmert, the mayor of West Jerusalem, announced on public radio that an Israeli contractor had begun erecting a fence around a 14-hectare area in the Occupied East Jerusalem neighbourhood of Jabel Mukhaber, where a new illegal Israeli settlement "Nof Zahav" is planned to be built. This extremely dangerous development represents a serious breach of the Fourth Geneva Convention of 1949, as well as flagrant violations of numerous Security Council and other relevant United Nations resolutions. This action will only further exacerbate the already volatile situation and presents additional evidence of the policies of the Israeli government of Mr. Ariel Sharon, which are aimed at completely destroying any potential for a peaceful settlement between the two sides. The international community must ensure the prevention of the execution of the above-mentioned plan.

Furthermore, the broad Israeli military assault against the Palestinian people continues unabated. Today, 4 June 2002, Israeli occupying forces raided and reoccupied the centre of Al-Khalil (Hebron), killing a 16-year-old boy with gunshots to the head and chest. Israeli occupying forces also continued to reoccupy the Palestinian city of Nablus in the Occupied Palestinian Territory, causing further destruction and devastation to those areas. In addition to the killing and the destruction of the property incurred, numerous Palestinians were rounded up in mass arbitrary detentions.

This is in follow-up to my previous 122 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated 29 September 2000 to 3 June 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-

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S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/249; A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/356; A/ES-10/166-S/2002/370; A/ES/10/167-S/2002/433; A/ES-10/168-S/2002/474; A/ES-10/169-S/2002/495; A/ES-10/173-S/2002/536; A/ES-10/174-S/2002/555 and A/ES-10/175-S/2002/610).

As previously stated in our letters to you, due to the extremely difficult circumstances in the Occupied Palestinian Territory, we were unable to compile a complete and accurate list of all the Palestinian martyrs killed by Israeli occupying forces. In this regard, we have recently obtained some names of the martyrs that had yet to be sent. These additional 50 Palestinian martyrs were killed on 5 April, 10 April, and 2 names in addition to the martyrs killed on 22 April 2002. The number of martyrs killed, including the 16-year-old boy killed today, now raises the total number of Palestinians killed by the occupying forces since 28 September 2000 to 1,599 martyrs. (The names of the martyrs are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 4 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Tuesday, 4 June 2002)

Tuesday, 4 June 2002

1. Murad Jamal Mohammed Alqam (16 years old)

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Not yet sent)

Friday, 5 April 2002

1. Mohammed Basheer Mohammed Al-Eidey
2. Lo'ai Jalamneh
3. Ra'ed Abdel Karim Fatouh Al-Haji
4. Nasser Kharmeh
5. Maher Rifqi Ameyreh
6. Donia Ibrahim Zafer Sawafteh
7. Ahlam Shakaraneh
8. Son of Abdelfatah Al-Jabry
9. Iyad Abed Sawafteh
10. Yasser Hassan Amin Al-Kawni
11. Maher Mohammed Zafereh
12. Samir Mufdi Abu Al-lell
13. Ramy Darwazeh
14. Ahmed Ziab Mohammed Qaza'a
15. Suliman Al-Tashtoosh
16. Tarek Ziad Adel Darwesh
17. Munzer Mohammed Amin Al-Haj
18. Ahmed Hassan Al-Tarezi
19. Khaled Ahmed Mohammed Ja'roor
20. Raed Hassan Awad
21. Munkiz Mohammed Saeed Sawafteh
22. Mohammed Kameel
23. Ashraf Hamzeh Daraghameh
24. Quais Edwan Nasser Abu Jabal
25. Jameel Ibrahim Al-Arboudi

Wednesday, 10 April 2002

1. Mu'tassem Hamdan (16 years old)
2. Mahmoud Ahmed Abu Tawalbeh

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,599.

3. Abdelkareem Yussef Abu Sha'leh
4. Manal Samy Ibrahim
5. Mahmoud Farid Bawatneh
6. Mutassam Rahal
7. Karam Sidqi Al-Atrash
8. Ibrahim Mohammed Afaneh
9. Ahmed Yussef Abu Hemidan
10. Atef Moussa Qaundeel
11. Azmi Rateb Abu Al-Hassan (17 years old)
12. Fathi Kasem Basharat (17 years old)
13. Mohammed Khalil Al-Norsi
14. Zakaria Zubeidy
15. Nidal Mohammed Ali Sowayat
16. Rabe'a Al-Sady
17. Amjad Al-Fayed
18. Mohammed Abu Attiyeh
19. Mohammed Alu Abu Helwah
20. Mohammed Hussein Fayed
21. Imad Fayed
22. Ibrahim Jaber
23. Ali Mohammed Faraj

Monday, 22 April 2002

1. Ismail Jameel Eid
2. Iyad Ahmed Hamdan Hamadeneh

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Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina

I. Introduction

1. The present report is submitted pursuant to paragraph 19 of Security Council resolution 1357 (2001) of 21 June 2001, by which the Council extended the mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) for a further 12 months until 21 June 2002. It details the progress of the Mission and activities conducted jointly with other United Nations entities since my report of 29 November 2001 (S/2001/1132 and Corr.1). On 5 March 2002, the Council also received a briefing by Jacques Paul Klein, my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina (see S/PV.4484).

2. On 1 June 2002, Sven Christian Frederiksen took over from Vincent Coeurderoy as Commissioner of the Mission's International Police Task Force (IPTF). The authorized strength of IPTF is 1,850; its current strength is 1,586 (see annex).

II. Activities of the Mission

3. The mandate implementation plan (S/2000/529, para. 34, and S/PV.4154 and Corr.1, p. 6), comprising six core programmes, continued to guide the work of the Mission. The goal is to complete these core programmes and to hand over responsibility for follow-up to the local authorities, with appropriate international monitoring, by the end of 2002.

Police reform

4. The number of police officers in Bosnia and Herzegovina has been reduced from about 44,000 in 1996 to 17,047 provisionally authorized officers at present — 9,275 in the Federation, 6,297 in Republika Srpska, 269 in the Brčko District, 158 in the Federation Court Police and 1,048 in the State Border Service. Provisional authorization for a number of police officers, mainly recent additions to the Service, will be finalized shortly. The final stage of police certification, in which provisional authorization is converted into full certification, began in January 2002. This involves a final check of performance and non-compliance reports, training, housing status, as well as verification of citizenship and academic qualifications. Additional, in-depth checks are made in the case of high-ranking officers.

5. Amendments to the Property Laws in December 2001 necessitated further checks of the housing status of some 2,500 police officers. Of the 1,880 interviewed since January, 480 were obliged to take measures to comply with the property legislation (e.g., through entering into rental contracts) to be eligible for certification. Local police are validating the academic qualifications of police officers, monitored by IPTF with the assistance of the Ministries of Education and Interior. Currently, 208 police officers are being reviewed by UNMIBH in close cooperation with the International Criminal Tribunal for the Former Yugoslavia in connection with their wartime conduct. Since the last report, provisional authorization to exercise police powers was removed from 68 police officers. Of these, 27 were "de-authorized" for wartime conduct.

6. Since the last report, IPTF handed over to local police instructors all formal training at the two police academies. IPTF-approved curricula were introduced at the Junior College in Banja Luka and the Criminal

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Faculty in the University of Sarajevo. Basic training in community policing for all police officers has been completed, and nearly 1,900 police officers have undertaken various additional courses for enhanced police performance, including on technical and managerial skills. In addition, 313 members of Police Support Units from mixed entity and cantonal forces participated in the first four of the seven multi-ethnic IPTF/SFOR training courses on crowd control scheduled for this year.

7. Since the riots in Mostar, Trebinje and Banja Luka last year, police performance improved at sensitive events, such as religious celebrations or commemorations. The first incident-free commemoration by Bosniac women in Bratunac (near Srebrenica) on 11 May 2002 of violence that had occurred in 1992 against the Bosniacs demonstrated professional police planning in a historically difficult area. Active policing in return areas created the security conditions essential for an unprecedented number of minority returns (see para. 21 below). While the number of reported inter-ethnic incidents (approximately 100) remained about the same as during the comparable period in 2001, the number of serious crimes has decreased. When inter-ethnic incidents did occur, police and municipal officials were now more likely to condemn the incidents publicly and to take appropriate additional security measures. However, police investigations into high-profile inter-ethnic crimes, and subsequent judicial follow-up, remained inadequate. For example, court proceedings arising from the riots at the Ferhadija Mosque in Banja Luka in 2001, which began last year, made very little progress.

Police restructuring

8. In December 2001, UNMIBH launched a nationwide systems analysis to complete restructuring of key areas of internal police administration. This involves the development of a manual of law enforcement standards and procedures; local self-assessment of compliance with those standards and procedures; on-site assessment by IPTF; the establishment of local police Change Management Teams in each law enforcement agency to consult with UNMIBH over the formulation of recommendations; and the implementation of both short- and long-term recommendations by the Change Management Teams. Through this process, the local police administrations are assuming increasing responsibility for police restructuring. Police administrations that implement the restructuring programme receive UNMIBH accreditation as meeting basic standards of democratic policing. In March 2002, the Brčko District Police became the first police administration to receive such accreditation. Systems analyses of all other police administrations are under way, with good local cooperation. On 5 February, the six small and ethnically segregated Bosniac and Croat police administrations in Mostar were united, breaking a three-year deadlock.

9. The efforts of the Mission to shield police from political influence by introducing the post of an independent Police Commissioner in each police administration made progress. To remove remaining inconsistencies and obstacles, the High Representative at the request of the Mission imposed a package of Laws on Internal Affairs in all Federation cantons on 23 May, to bring them in line with UNMIBH model legislation, including the two consistently obstructionist Croat-majority western Herzegovina canton 8 and "Herzeg-Bosnia" canton 10. The legislative framework is now in place in the Federation cantons for the selection and appointment of permanent Police Commissioners. With respect to the entity Ministries of Interior, Republika Srpska agreed to introduce all UNMIBH legislative requirements. However, in the Federation, the Minister of Interior continued to undermine and obstruct this project, including by refusing to accept the essential amendments to the current draft Law on Internal Affairs that were presented on 11 May in a joint UNMIBH-Office of the High Representative demarche. In a further act of obstruction, on 28 May, the Federation Minister of the Interior improperly dismissed the current (ad interim) Federation Director of Police. The dismissal was retracted later that day, following concerted action by UNMIBH, the Office of the High Representative and SFOR.

10. The three programmes (cadet training, refresher courses for former police, and voluntary redeployment) that UNMIBH established to increase the percentage of minority representation in the police forces continued. Since the last report, the total number of cadets at the two police academies in Banja Luka and Sarajevo, most of them from ethnic minorities, rose to 1,164. The average class size of 97 will increase when reconstruction of the academies is completed with the

assistance of the European Commission. Thus far, 76 former police officers from ethnic minorities have completed refresher courses; more than half of them assumed senior-ranking positions. Since the start of the voluntary redeployment programme, 165 officers have moved to areas where they represent an ethnic minority. Priority is being given to female representation, which has increased, but still remains at the low level of 3.5 per cent in the Federation and 2 per cent in Republika Srpska. The two police institutions established under the Mission's direct supervision, the State Border Service and the Federation Court Police, are fully multi-ethnic.

11. These programmes have resulted in an increase of the proportion of minority police. In May 2002, minority police constituted 15.5 per cent of all provisionally authorized police in the Federation Ministry and cantons, compared to 11.3 per cent in November 2001. In Republika Srpska, 4.9 per cent are provisionally authorized, compared to 3.2 per cent at the time of the last report. The mechanisms that UNMIBH has created for minority recruitment are now well established and will be transferred under the responsibility of the local authorities in the coming months. But it is of serious concern that the number of volunteers for minority positions, particularly in Republika Srpska, is falling. The primary reasons are concerns about low salaries, housing, spouse employment and local education, but there is also remaining political obstruction in some areas. UNMIBH has done everything within its mandate to encourage the recruitment of minority police, including finding housing assistance for 162 officers, but additional financial incentives are needed, such as equalization of police benefits. On 30 April, the High Representative took a decision to prioritize property claims by minority police officers, which would facilitate resolution of their housing needs. But it is deeply disappointing that for eight months the Federation Government has failed to implement its written commitment to provide salary assistance for police in the Srebrenica area, which may lead to the resignation of the Bosniac police officers who have voluntarily deployed there.

Cooperation between the police and the criminal justice system

12. In view of the systemic weaknesses of the judicial and legal system, the work of the UNMIBH Criminal Justice Advisory Unit in promoting professional cooperation between the police and the criminal justice system has filled an important gap in the rule of law. A course, which UNMIBH initiated in July 2001 and in which local judges and prosecutors train police, customs and taxation personnel, has been completed in all five judicial districts in the Republika Srpska and in 8 out of 10 cantons in the Federation. UNMIBH participated in the development of a curriculum for training police in the implementation of the forthcoming State Criminal Procedure Code. UNMIBH continued to monitor high-profile investigations and court proceedings in cases such as the riots in Mostar and Banja Luka last year, and the murder of the Federation Deputy Minister of Interior in 1999. UNMIBH involvement in prompting courts to handle human trafficking cases resulted in six successful prosecutions so far this year — the same number as in the whole of 2001 and double the number in 2000.

13. The Court Police project is reaching its final stages. Deployment has been completed in six cantons of the Federation. Special training of selected officers in VIP protection and management skills continued. Legislation establishing Court Police in Republika Srpska is under review by the Republika Srpska National Assembly; the actual deployment is envisaged for December.

State Border Service, inter-police force cooperation and anti-trafficking

14. The State Border Service (SBS) comprises 1,670 personnel and now controls 88 per cent of the border and the three international airports (Sarajevo, Banja Luka and Mostar). In April, the SBS Training Centre commenced its first course of 50 cadets. A particular success for the SBS has been registered in combating illegal migration. For the first five months of 2002, the number of short-term visitors, who were not registered as having departed, was 366 at all three airports, compared to 6,326 through Sarajevo Airport alone during the same period in 2001. Nonetheless, attempts to cross the border illegally continued. On 14 May, at least 13 Turkish nationals drowned while attempting to cross by boat into Croatia. This underlined the need for the SBS to receive urgently equipment, such as river patrol boats, promised by international donors. In the past six months, the SBS has seized illicit goods and currency worth over $900,000. Two weeks after its inauguration, the SBS Gradiska Unit on the Croatian

border mounted an operation that revealed tax evasion amounting to over $2.1 million.

15. Despite these successes, and the clear importance of the SBS in fighting terrorism and trafficking, a severe shortfall in funding threatens its operations and further deployment. The financial requirement for full SBS deployment this year is $24.7 million. Of this amount, the State budget allocates $15 million from local resources, with a non-specific statement that should additional resources become available, the SBS will be one of its beneficiaries. The Government of the Netherlands has provided $4 million in bilateral assistance. Thus, the current shortfall in salaries, allowances and operating costs is $5.7 million.

16. UNMIBH work in establishing mechanisms for inter-entity and interregional police cooperation has delivered impressive results. On 2 December 2001, the members of the Regional Task Force (Bosnia and Herzegovina, the Federal Republic of Yugoslavia and the Republic of Croatia) launched "Operation Common Purpose" to strengthen borders, combat arms smuggling and illegal migration, and intensify actions against organized crime and terrorism. The establishment of a shared data bank of 3,000 names on a wanted and watch-list was key. In Bosnia and Herzegovina alone, more than 235,000 vehicles were checked for contraband goods, more than 155,000 persons have had their documents verified and 490 arrests have been made. The SBS searched about 14,000 vehicles, arrested 98 persons and refused entry to 547 persons for not having proper documentation. The Federal Republic of Yugoslavia and Croatia apprehended more than 1,300 illegal migrants, charged over 200 persons with human trafficking and collected over 400,000 rounds of ammunition as well as 9,000 mines and bombs, hundreds of kilograms of explosives and numerous weapons.

17. On 27 May 2002, the State House of Peoples adopted the law establishing the State Information and Protection Agency, a key project initiated by UNMIBH. The agency will be responsible for the collection, analysis and distribution of criminal data; security of VIPs, diplomatic facilities and State institutions; and cooperation and coordination with Interpol. Deployment will begin once the law is adopted by the State House of Representatives, which is expected in June 2002. The State-level "Joint Coordination Team on Combating Terrorism", at which UNMIBH is an observer, is reviewing citizenship obtained by foreigners during and shortly after the war.

18. Since the establishment of the Special Trafficking Operations Programme (STOP) in July 2001, over 210 establishments suspected of being used for forced prostitution were inspected in 476 raids carried out by local police under UNMIBH guidance. During and after these raids, 1,561 women, including minors, were interviewed. With the support of the International Organization for Migration (IOM), 186 trafficking victims sought and received assistance and were repatriated to their home countries. Under the law, 117 establishments have been closed. To further assist with the prosecution of organized criminal gangs involved in transnational trafficking in women, information gained through interviews with victims is passed to the Regional Task Force. Where there is evidence of local police collusion, the STOP teams closely monitor the work of police Internal Control Units.

Police and public awareness

19. The public information campaigns conducted since the last report included "Know Your Rights", aimed at informing citizens of their rights and obligations during police investigations, and a television spot and public panel discussion on "Women and Law Enforcement" to mark International Women's Day. Ongoing campaigns cover topics from voluntary police redeployment to recruitment campaigns for the police academies. Efforts continue towards strengthening the public affairs capacity of local law enforcement institutions including the SBS. The redesigned and upgraded UNMIBH web site (www.unmibh.org) now records over 7,000 hits per day.

Participation in United Nations peacekeeping operations

20. Ten police officers joined the existing civilian police contingent from Bosnia and Herzegovina serving with the United Nations Transitional Administration in East Timor in March, bringing the contingent total to 23 officers. The second group of United Nations military observers from Bosnia and Herzegovina was sent to the United Nations Mission in Ethiopia and Eritrea in February 2002. UNMIBH also promoted an agreement between Entity Defence Ministers on the structure and command and control arrangements for a Bosnia and Herzegovina multi-

ethnic light transport composite unit of approximately 60 personnel for United Nations peacekeeping operations. The unit has received equipment and training from the Government of Switzerland and additional training was provided by the Government of Greece.

III. Joint activities of the United Nations system

21. Improved security conditions, in part as a result of the Mission's work in police reform, contributed to the increase in minority returns throughout Bosnia and Herzegovina. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), there were over 92,000 minority returns in 2001, an increase of 36.5 per cent over 2000. In the first quarter of 2002, 20,224 minority returns were registered, a 30 per cent increase over the same period in 2001. Housing reconstruction is a great challenge to minority returns, aggravated by dwindling international contributions. Following the adoption of amendments to the Property Law in December 2001, the implementation rate has increased to an average of 49 per cent nationwide as of March 2002 (54 per cent in the Federation, 43 per cent in Republika Srpska and 51 per cent in the Brčko District). Implementation of property laws still faces difficulty in some areas, particularly eastern Republika Srpska, although even there some progress is noticeable.

22. Since the end of the war, the international community has made a major contribution to the reconstruction and rehabilitation of Bosnia and Herzegovina. However, the wider Srebrenica area, in the Republika Srpska entity, is a special case. It remains the area that is the most tragic emotionally, unreconstructed physically and devastated economically in the entire country. Local extremism and obstruction led the international community to place the Srebrenica municipality and much of eastern Republika Srpska under a funding embargo until 1999. Consequently, Srebrenica was frozen in its 1995 context with no rebuilding, no recovery, no development and no returns. In the past year, as a result of intensive work by international organizations, the security and political situation has stabilized and a promising start was made on Bosniac returns to the region and Serb returns to their homes outside the area. The continuation and acceleration of this process depends on additional international support. Following a thorough assessment of the region, the United Nations Development Programme (UNDP), in cooperation with UNMIBH, designed a comprehensive economic and social development plan — the Srebrenica Regional Recovery Programme.

23. On 13 May, a donor conference for the Srebrenica Regional Recovery Programme was held in New York, co-chaired by my Special Representative and the Administrator of the United Nations Development Programme. The Recovery Programme focuses on two-way return, employment generation, social and community needs of the region, and effective local governance to build a sustainable future for the area. It was prepared by a UNDP team of experts, in conjunction with UNMIBH over the last few months. While falling short of targets, initial donor response was encouraging. Pledges of some $9.9 million were made at the conference, although only $3.6 million was pledged specifically for the Recovery Programme itself. Further contacts with potential donors are ongoing.

24. UNDP has begun activities linked to the implementation of the UNDP country cooperation framework 2001-2003. To assist with updating policy-making, UNDP has completed the first-ever Living Standard Measurement Study in Bosnia and Herzegovina and has finalized the third UNDP National Human Development Report. In December 2002, the UNDP Aid Coordination Project began, involving the State-level Ministry of Foreign Trade and Economic Relations and aid coordination units in both entities. UNDP also facilitated the signing of an agreement between the Governments of Bosnia and Herzegovina, Croatia and Republika Srpska to encourage cross-border returns.

25. In the area of educational reform, the United Nations Educational, Scientific and Cultural Organization (UNESCO) leads the curriculum development group of local pedagogical experts for primary and secondary education, and has linked up this process with the curriculum programmes of the UNESCO International Bureau for Education. The United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) initiated the National Strategic Planning process on HIV/AIDS issues, including the establishment of a National AIDS Commission. UNICEF conducted a Rapid Assessment and Response survey in seven cities on the risk

behaviour of especially vulnerable youth, as a basis for designing and implementing measures to minimize the risk of contracting AIDS. In collaboration with entity Ministries for Education and Pedagogical Institutes, UNICEF is supporting the introduction of child-centred teaching methodologies and child-friendly environments in all primary schools. UNMIBH supports this project in 120 classrooms across the country by providing school equipment and furniture.

26. The Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to provide human rights expertise and guidance to other United Nations agencies and domestic institutions and to work closely with civil society and the Government. Based on experience gained through the Zenica domestic violence project led by the OHCHR (see S/2001/1137, para. 28), UNMIBH launched a nationwide domestic violence project in November 2001. More than 300 cases of domestic violence and sexual abuse were reported and followed up by police. Local police focal points for domestic violence and violence against women were appointed in municipalities throughout the country, training courses conducted for local police, and assistance given to establish community working groups. In 2002, OHCHR and UNDP initiated the joint Municipal Assessment Programme, which would provide human rights assessments in 48 municipalities, setting out baselines and indicators against which progress can be measured and targeted programming can be developed.

IV. Preparations for the termination of the Mission

27. By its resolution 1396 (2002) of 5 March 2002, the Security Council welcomed, inter alia, the acceptance by the Peace Implementation Council of the offer made by the European Union to provide a European Union Police Mission, from 1 January 2003, to follow the end of the UNMIBH mandate, as part of a coordinated rule of law programme. Should the Security Council decide to extend the current mandate of UNMIBH for another six months, an authorized strength of 1,600 police officers will be maintained until the 5 October national elections. Thereafter, it will be quickly reduced to 460 officers by 31 December 2002. During that time, UNMIBH will coordinate closely with the European Union and the High Representative in order to ensure a seamless transition of responsibilities from IPTF to the European Union Police Mission. Thereafter, a United Nations office will remain in Sarajevo for another six months to facilitate a smooth transition to the European Union and deal with any residual issues that may arise.

V. Trust funds

28. The Trust Fund for the Police Assistance Programme in Bosnia and Herzegovina assists the implementation of UNMIBH core programmes through the provision of equipment and the financing of training courses. The Trust Fund has received contributions of $15.6 million. A database prioritizing the needs of local police in terms of equipment and necessary infrastructure is being maintained.

29. The Trust Fund for the Restoration of Essential Public Services in Sarajevo assists projects in the fields of public health, shelter, water, energy, public transport, communications, education and sanitation, financed largely by contributions totalling $20.8 million. In addition, interest income of $3.1 million has been utilized to finance projects. From an aggregate income of $23.9 million, projects totalling approximately $23.7 million have been implemented or approved for implementation.

VI. Financial aspects

30. In my report on the financing of UNMIBH (A/56/773), which is currently before the General Assembly, the budget for the maintenance of the Mission from 1 July to 31 December 2002 and for the liquidation of the Mission from 1 January to 30 June 2003 amounts to $78.5 million. In its related report (A/56/887/Add.2), the Advisory Committee on Administrative and Budgetary Questions proposed an appropriation of $78.5 million. Therefore, should the Security Council extend the mandate of UNMIBH for a further six-month period, as recommended in paragraph 37 below, the cost of the extension would be limited to that amount.

31. As of 15 May 2002, unpaid assessed contributions to the special account for UNMIBH amounted to $61.1 million. The total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $1,409,000.

VII. UNMIBH logistics activities

32. UNMIBH logistic activities since the beginning of the year have been driven by the planning and preparatory work related to the downsizing and liquidation of the Mission scheduled to start on 1 July 2002, subject to the decision of the Security Council on the length of the UNMIBH mandate. The Master Liquidation Plan was submitted to the Advisory Committee on Administrative and Budgetary Questions earlier this year, as well as the Preliminary Assets Disposal Plan that will require the further approval of the General Assembly. The Preliminary Assets Disposal Plan incorporates details of assets to be transferred to the United Nations Logistics Base in Brindisi or other United Nations missions, assets to be disposed of locally due to normal wear and tear, and assets to be donated to the local authorities to support the various programmes implemented by UNMIBH.

33. UNMIBH is in the process of developing a plan for a phased downsizing of all categories of personnel. The downsizing will be implemented in conjunction with the overall liquidation plan. Concurrently, and recognizing the contribution and value of a cadre of well-qualified and experienced personnel, UNMIBH is collaborating with other United Nations agencies, the European Union and non-governmental organizations to identify and actively promote alternative employment opportunities for all categories of UNMIBH staff. The Secretariat is also actively seeking to place as many qualified staff as possible in other field missions as and when they become available. Particular attention will also be given to providing assistance and training to staff as they prepare to re-enter the job market.

VIII. Observations

34. UNMIBH is rapidly moving towards the completion of its core tasks. Significant achievements since my last report include the commencement of the final phase of police certification; the quick progress of the systems analysis project to complete nationwide police restructuring; the expansion of the State Border Service to cover 88 per cent of the border and its success in further reducing illegal migration; the beginning of coordinated operations utilizing the mechanisms established by UNMIBH for inter-entity and regional police cooperation; the accreditation of the Brčko district police service; and the unification of the Mostar city police.

35. Two core projects require additional support for their completion this year. The first is the establishment of the permanent Police Commissioner post in the Federation. This is one of the priorities for UNMIBH, aimed at insulating the work of law enforcement agencies from political interference. I call on the Federation authorities to comply with the requirement to establish such a post in the Federation Ministry of Interior and to pass the necessary legislation promptly without further delay. The second core project is the State Border Service (SBS). UNMIBH has completed all necessary preparations for the full deployment of the SBS by September this year. However, in view of the difficult economic situation of Bosnia and Herzegovina and competing financial priorities, the State budget allocation for 2002 is insufficient for full-year funding of even the current size of the SBS. Delaying the timely deployment of the SBS will negatively affect the fight against illegal migration, organized crime and terrorism in Europe. I urge, therefore, State authorities to give priority to the funding of the SBS and potential donors to consider making additional financial contributions.

36. While UNMIBH will complete its core mandate by the end of 2002, as envisaged by its mandate implementation plan, the systemic weakness of the rule of law in Bosnia and Herzegovina, and continued obstruction, interference and illegal activities of entrenched political extremists and criminal organizations will require continued international attention. There will be a need for monitoring of and assistance to local police to preserve what UNMIBH has achieved and to ensure further progress towards the rule of law. This will be the task of the European Union follow-on mission. In addition, the continued presence and support of SFOR will be essential. Equally important is the apprehension of indicted war criminals, whose presence emboldens extremists and undermines reconciliation. I call on the authorities of Bosnia and Herzegovina and on neighbouring States, as well as all others concerned, to cooperate fully with the International Tribunal for the Former Yugoslavia.

37. I recommend, therefore, to the Security Council to extend the current mandate of UNMIBH at an authorized strength of 1,600 police officers, to be drawn down after the 5 October general elections to 460 officers, until 31 December 2002. During that

time, UNMIBH will coordinate closely with the European Union and the High Representative in order to ensure a seamless transition of responsibilities from IPTF to the European Union Police Mission.

38. In conclusion, I would like to express my appreciation to Jacques Paul Klein, my Special Representative, and to Vincent Coeurderoy, the former IPTF Commissioner, for their strong leadership and to the men and women of UNMIBH for their dedication and persistence at the service of peace in Bosnia and Herzegovina.

Annex

Composition and strength of the International Police Task Force as at 31 May 2002

Argentina	16
Austria	13
Bangladesh	26
Bulgaria	34
Canada	9
Chile	6
China	15
Czech Republic	5
Denmark	30
Egypt	47
Fiji	15
Finland	11
France	114
Germany	153
Ghana	98
Greece	11
Hungary	13
Iceland	3
India	95
Indonesia	27
Ireland	35
Italy	23
Jordan	148
Kenya	7
Malaysia	25
Nepal	18
Netherlands	54
Nigeria	6
Norway	12
Pakistan	93
Poland	50
Portugal	31
Romania	18
Russian Federation	38
Senegal	19
Spain	30
Sweden	30
Switzerland	10
Thailand	5
Turkey	36
Ukraine	35
United Kingdom of Great Britain and Northern Ireland	76
United States of America	46
Total	**1 586**

United Nations S/2002/619

Security Council

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5 June 2002

Original: English

Letter dated 4 June 2002 from the Secretary-General addressed to the President of the Security Council

As you are aware, the Congolese parties were not able to reach an all-inclusive agreement on power sharing at the meeting of the inter-Congolese dialogue held in Sun City, South Africa. The recent mission of the Security Council to the Great Lakes region did note, however, that the parties have agreed to continue negotiations with a view to arriving at an acceptable formula.

The need for this was also underscored at a meeting of several international stakeholders involved in the peace process in the Democratic Republic of the Congo convened by the Secretariat in New York on 17 May 2002. In fact, at that meeting, there was a consensus that all efforts should now focus on helping the Congolese parties reach their objective. The meeting also requested me to appoint a Special Envoy to assist in the negotiations, in consultation with the Organization of African Unity and the facilitator, Sir Ketumile Masire.

In that connection, I have decided to appoint Moustapha Niasse, former Prime Minister of Senegal, as my Special Envoy to contribute to those efforts. It is expected that any agreement reached will be brought into the framework of the inter-Congolese dialogue for endorsement.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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United Nations A/56/970–S/2002/622

General Assembly
Security Council

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5 June 2002

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 5 June 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest grievous act of Palestinian terrorism directed against the citizens of Israel.

Shortly after 7.15 a.m. (local time) this morning, a Palestinian suicide terrorist, driving a car packed with explosives, pulled up alongside a public Israeli bus near the northern town of Afula and blew himself up. The explosion of the car triggered a second explosion in the gasoline tank of the bus, the force of which lifted the bus into the air and reduced it to a mass of burned metal. Emergency workers were hindered in their rescue operations due to intelligence reports that terrorists were planning to detonate a second explosion targeting humanitarian workers, as has been done in the past. As of this writing, 16 Israelis have died in the blast and over 30 have been injured, many of them seriously. The terrorist organization Islamic Jihad claimed responsibility for the blast.

This incident is the latest in the continuing campaign of Palestinian terrorism that has been detailed in our numerous letters since the onset of this campaign in September 2000.

The Government of Israel holds the Palestinian Authority and its Chairman fully responsible for these incidents. The Palestinian leadership continues to lend financial and moral support to terrorist organizations, incite its people to violence and terror, collude with known terrorists and permit terrorist operatives to operate freely in its territory, despite its signed commitment to adopt a policy of zero tolerance for any and all acts of Palestinian terrorism directed against Israeli civilians. Following this latest attack, Israel still awaits action from the Palestinian leadership signalling that its condemnations of terror are more than mere rhetoric designed to appease international audiences.

Unfortunately, recent actions by the Palestinian Authority suggest that its policy of duplicity — whereby it condemns terror while continuing to support efforts of Palestinian terrorist groups to kill and injure Israeli civilians — has yet to be abandoned. In recent days, Chairman Arafat has taken the unimaginable step of inviting the terrorist groups Hamas and Islamic Jihad to join his Cabinet. These

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groups are both internationally recognized as terrorist organizations that are responsible for the deliberate murder of hundreds of Israeli civilians over the years. Even today, both groups remain opposed to any peaceful settlement of the conflict and have repeatedly issued public declarations of their commitment to the mass murder of Israeli civilians. How is Israel to interpret such an invitation? What options are available to us when Chairman Arafat not only fails to fight terror, but also invites its leading proponents to join his Government?

Israel's commitment to achieving a peaceful settlement of our conflict with the Palestinian people is irrevocable, but so is its right and duty to protect the lives of its citizens. Israel will not stand idly by as a continuing campaign of violence and terrorism, including the spate of attacks in the last two weeks, supported both financially and ideologically by the highest echelons of the Palestinian Authority, continues to target innocent Israeli civilians for murder. Nor will Israel ignore the indisputable fact that those with whom we are called upon to make peace are openly colluding with known terrorists in blatant defiance of the will of the international community. The international community must not ignore this fact either. Rather, it must bring full pressure to bear to ensure that the Palestinian Authority takes genuine and immediate action to dismantle the terrorist infrastructure in the territory under its control, in accordance with the provisions of international law and its own signed commitments. These actions must include the immediate and verifiable arrest and prosecution of terrorist operatives, who continue to this day to roam freely in Palestinian territory; the confiscation of illegal weapons; and an end to incitement and glorification of suicide bombers as martyrs rather than murderers.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/56/970/Corr.1–S/2002/620/Corr.1

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General Assembly
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Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 5 June 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Corrigendum

Document A/56/970-S/2002/622 should bear the symbol A/56/970-S/2002/620.

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United Nations S/2002/621

Security Council

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Eleventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The Security Council, by paragraph 29 of its resolution 1355 (2001), decided to extend the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 15 June 2002 and to review progress at least every four months on the basis of reports of the Secretary-General. The present report is submitted pursuant to that resolution. It describes developments since my report of 15 February 2002 (S/2002/169), and contains recommendations for the future activities of MONUC.

II. Political developments

Inter-Congolese dialogue

2. During the period under review there were a number of significant developments in the Lusaka peace process. These included the conduct of the inter-Congolese dialogue from 25 February to 18 April in Sun City, South Africa, and the adoption by consensus there of more than 30 resolutions on political and legal issues; economy and finance; defence and security; humanitarian, social and cultural issues; and peace and reconciliation. The plenary sessions were attended by 358 delegates comprising eight separate delegations.

3. However, the key issue of power sharing during the transition remained outstanding. The neutral facilitator, Sir Ketumile Masire, extended the session by one week to allow the parties to address the question. Although important advances were made in the negotiations, the Congolese parties were still not able to reach an all-inclusive agreement at the conclusion of the Sun City meeting. Meanwhile, the Government and the Mouvement de libération du Congo (MLC) concluded a bilateral agreement on power sharing on the sidelines and invited the other delegations to join. The document was subsequently signed by a majority of delegates, with the exception of the Rassemblement congolais pour la démocratie (RCD)-Goma and some major political parties. Talks among the Congolese parties aimed at reaching an all-inclusive agreement are continuing. At the same time, the Government and MLC have begun consultations towards implementing their agreement, which stipulates a 30-month transitional period leading up to the holding of elections.

4. On 26 April, RCD-Goma, together with the Union pour la démocratie et le progrès social (UDPS), announced the creation of the Alliance pour la sauvegarde du dialogue inter-congolais. The President of the Alliance is Etienne Tshisekedi (UDPS), and the Executive Coordinator is Azarias Ruberwa (RCD-Goma). The Alliance, committed to the continuation of the dialogue, has established itself in Kisangani.

Violence in Kisangani

5. In mid-May, the city of Kisangani witnessed a fresh outbreak of violence that claimed the lives of at least 50 persons. The Office of the United Nations High Commissioner for Human Rights and MONUC have completed an assessment that has put the figure of those killed and/or disappeared at over 100. The crisis began on 14 May with an apparent mutiny, when dissident RCD-Goma soldiers seized the local radio

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station (Radio télévision nationale congolaise) and called upon the population to rise up against the "Rwandan invaders". The dissidents' broadcast contained a variety of exhortations, ranging from "chasing out" the Rwandans to killing them. The broadcasters also claimed the support of the Government of the Democratic Republic of the Congo, and called upon MONUC and its Radio Okapi to relay their request for reinforcements to the Government. Some local residents, apparently including RCD-Goma soldiers, then took to the streets. During the morning of 14 May, at least six people were killed, five of whom were victims of mob violence, apparently because they were considered to be Rwandans.

6. By 0800 hours on 14 May, the RCD-Goma authorities had recaptured the radio station, apparently with little or no resistance, and regained control of the city. A little later, the Mangobo commune, whose population has been traditionally alienated from the RCD-Goma, was surrounded by RCD-Goma troops. Killings of civilians and looting then began, which continued for the next several days. The RCD-Goma troops were reportedly reinforced during the afternoon of 14 May by an additional 120 soldiers flown in from Goma. These soldiers were said to be speakers of Kinyarwanda, spoken in Rwanda and parts of the eastern area of the Democratic Republic of the Congo.

7. It is believed that summary executions also took place at the Tshopo Bridge and at Unibra Beach; the victims were mainly police officers and soldiers. According to some accounts, their bodies were thrown into the Tshopo River, where United Nations military observers witnessed up to 20 bodies floating on 16 May. MONUC personnel also observed attempts by RCD-Goma troops to cover bloodstains on the bridge with sand. RCD-Goma cordoned off the area and prevented attempts to locate possible mass graves and recover any bodies.

8. The Deputy Force Commander of MONUC, Brigadier-General Roberto Martinelli, was in Kisangani from 14 to 16 May and upon the outbreak of violence, made repeated attempts to meet with the authorities to demand that they exercise restraint in restoring order. The Deputy Force Commander successfully sought the release of two priests who had been detained by RCD-Goma soldiers and the following day met again with the authorities to demand an end to all military activities and to insist that MONUC be allowed to inspect conditions in Mangobo. The Deputy Force Commander also visited Mangobo, where residents reported that at least 20 reprisal killings had taken place, as well as extensive looting. MONUC also conducted military patrols throughout the city, some of them accompanied by human rights officers.

9. MONUC provided shelter to seven individuals who claimed that their lives were at risk at the hands of RCD-Goma. Six of them have since left the MONUC premises voluntarily, while the seventh remains under MONUC protection. MONUC is also concerned about the safety of a number of civil society leaders in view of the persistent accusations against them by RCD-Goma. However, access has not yet been gained to the site at Bangoka airport, where a number of bodies have reportedly been buried. MONUC has so far not been able to determine exactly how many people lost their lives in the violence in Kisangani. However, information currently available indicates that the death toll might be significantly higher than the figures confirmed so far.

10. The actions of MONUC in Kisangani during and after the trouble have not been well-received by RCD-Goma, whose president, Adolphe Onusumba, has accused my Special Representative, Namanga Ngongi, of bias in favour of the Government.

11. The rising hostility of RCD-Goma against the United Nations has resulted in the "banning" of Mr. Ngongi from all territories currently under RCD-Goma control and the arbitrary expulsion of three senior officers of MONUC from Kisangani and Goma. It should be noted that the outburst of violence in Kisangani took place against the background of long-standing popular hostility to the Rwandan forces occupying the eastern part of the Democratic Republic of the Congo, and to their local allies. Another important element is the failure of RCD-Goma, despite repeated pledges, to demilitarize the city pursuant to Security Council resolutions, as well as popular dissatisfaction with the exclusion of RCD-Goma from the agreement reached between the Government and MLC and other parties in Sun City. There also appears to be tension within RCD-Goma. For example, in Bukavu, Uvira, Kalemie and Pweto, reports point to increasing defections of RCD-Goma military personnel and police to the Forces armées congolaises (FAC), as well as the preventive disarmament of those RCD-Goma troops whose allegiance may be in doubt.

12. At the same time, crowds in Kinshasa have staged several demonstrations in front of MONUC headquarters, including throwing stones and accusing MONUC and the Security Council of not doing enough to prevent the killings in Kisangani. The disappointment of the Congolese in the government-controlled territory is the result of their wish to see the United Nations, including MONUC, adopt a stronger line against RCD-Goma and to protect the civilian population.

13. In South Kivu, fighting continues between RCD-Goma troops and forces led by a former RCD-Goma officer, Commandant Patrick Masunzu. What at first appeared to be a military mutiny now seems to have become a conflict over the status and future of the Banyamulenge, who appear to wish to assert their Congolese identity and separateness from Rwanda.

Situation in the north-east

14. The situation in the north-east continues to be marked by extremely high tensions in Ituri Province, and especially in Bunia. The Hema-Lendu ethnic conflict is continuing, with more allegations of killings from both groups in the Bunia area. United Nations military observers have been prevented by the insecurity from entering the area to verify the differing figures of killed, wounded and disappeared reported by non-governmental organizations, civilian refugees and RCD-Kisangani/Mouvement de libération (K/ML). On 9 April, 10 RCD-K/ML soldiers were killed in an ambush at Ganga. In recent weeks, the RCD-K/ML has reported a build-up of Rwandan Patriotic Army (RPA) forces in the area of Kanyabayonga. RPA denies that reinforcements have been brought in, and has stated that its three battalions there are required to counter the threat from the Interahamwe.

15. The situation in the north-east is characterized by severe insecurity, the lack of clear political authority and the presence of a foreign army – the Ugandan People's Defence Force (UPDF). UPDF, which must withdraw in accordance with the Lusaka Agreement (S/1999/815, annex) and the relevant Security Council resolutions, is nevertheless obliged to maintain law and order in the areas under its de facto control. However, UPDF elements have sometimes failed to comply with that obligation with the necessary impartiality, particularly in the context of the Hema-Lendu intercommunal dispute. MONUC has sought to engage the Government of Uganda and the local communities, including the rebel movements, to put an end to further conflict and to resolve their differences through peaceful means.

III. Activities of the Mission and the United Nations in support of the peace process

Political

16. The period under review was marked by high-level diplomatic activity and the sustained attention of the international community. From 27 April to 7 May, a Security Council mission, comprising all 15 members of the Council, visited the Great Lakes region to assess the overall implementation of the Lusaka Agreement, with particular focus on the outcome of the inter-Congolese dialogue, the withdrawal of foreign forces from the Democratic Republic of the Congo and the disarmament, demobilization, repatriation, resettlement and reintegration programme. The Security Council mission also held a joint meeting with the Political Committee in Luanda on 2 May. (The report of the mission is contained in documents S/2002/537 and Add.1.)

17. From 21 February to 4 March 2002, the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, visited the Democratic Republic of the Congo and countries in the region. He met with Presidents Joseph Kabila of the Democratic Republic of the Congo and Paul Kagame of Rwanda, and in Sun City met with Jean-Pierre Bemba and Mr. Onusumba, of MLC and RCD-Goma respectively, and with the neutral facilitator of the inter-Congolese dialogue. He also visited Luanda and Kampala to promote a comprehensive solution to the conflict in the Democratic Republic of the Congo. An important initiative during this visit was the efforts to persuade the parties to reopen the Congo River (see para. 19 below).

18. On 17 May, upon my instructions, the Under-Secretary-General for Peacekeeping Operations convened a meeting of various international actors concerned, including the facilitator and representatives of the Organization of African Unity (OAU), to discuss future steps that could be taken in support of the peace process in the Democratic Republic of the Congo. Participants felt that the international community should demonstrate unity of action and do its utmost to

help the Congolese parties continue their political negotiations to reach an all-inclusive agreement and simultaneously develop a coherent strategy to address the legitimate concerns of the Democratic Republic of the Congo's neighbours, in particular Rwanda. To that end, I have decided, in consultation with OAU and the neutral facilitator, to appoint my a Special Envoy to continue the search for a comprehensive peace settlement. My Special Envoy will assist in the negotiations, in consultation with OAU and the neutral facilitator, and will also consult with MONUC in the process.

Reopening of the Congo River

19. During the month of April, representatives of the Government of the Democratic Republic of the Congo, RCD-Goma and MLC signed an agreement proposed by MONUC on the reopening of the Congo River to commercial traffic. To build confidence and provide security, MONUC riverine units will escort the first convoys. The implementation of this crucial agreement is now being pursued with the parties and with the commercial organizations concerned.

Military

20. Despite the volatility of the situation in some parts of the country, MONUC continues to pursue step 1 of the third phase of its deployment and to implement its phase II tasks related to the monitoring and verification of the new defensive positions. MONUC currently has 95 United Nations military observer teams deployed to 56 different sites. Thirty-seven of these teams are mobile and conduct investigations of the ceasefire violations claimed by the parties. As at mid-June, of the 299 violations reported to it, MONUC had completed 110 investigations, with another 62 ongoing. Of those investigated, 79 per cent were unsubstantiated. In many cases, however, MONUC is unable to conduct an investigation because the parties concerned have failed to provide the basic security guarantees.

21. Some issues linked with the disengagement of the forces of the parties are still pending: Moliro, Pweto, Bakamba and the four new defensive positions still controlled by MLC in the north-west, in violation of the agreement. However, the four violations in the north-west may be less relevant now due to the agreement of MLC and the Government reached in Sun City. The Political Committee, which was supposed to consider the issue at its most recent meeting, on 2 May, has not yet made a decision on the status of these new defensive positions.

22. Pursuant to Security Council resolution 1399 (2002) of 19 March, RCD-Goma withdrew from Moliro on 27 March. This resolution was followed in similar terms by a communiqué of the Political Committee issued after its meeting in Lusaka on 20 March. Thereafter, MONUC undertook to visit Moliro every other day to ensure that none of the parties took advantage of the vacuum. However the Mission's monitoring of the Moliro situation had to be temporarily suspended, following an incident on 18 April, when a MONUC helicopter flying from Moliro towards Kalemie was fired upon in the Zongwe area.

23. In its resolution 1399 (2002), the Security Council demanded that RCD-Goma also withdraw from Pweto. Although designated a "declared position" of FAC (which allows for government police and administration presence), RCD has maintained a civilian administration and a police force in the town. In mid-May, the major part of their police component there deserted, many of them subsequently defecting to FAC. Though some RCD-Goma police presence has since been restored, the situation in the town remains unstable.

24. In Bakamba/Tshilunde the FAC troops have not yet vacated the town, which falls under RCD-Goma control according to the disengagement plans despite the commitment made by the Government to comply by December 2001.

25. With the ongoing arrival of an Uruguayan infantry battalion at Kisangani, to be concluded by mid-June, MONUC will have approximately 1,150 troops in the city and will increase its already extensive patrolling and confidence-building activity. As requested by the Security Council in its presidential statement (S/PRST/2002/17), MONUC is considering a temporary additional expansion above 1,150 troops in its military presence in Kisangani. This increase, if implemented, will have to be balanced with the capacity of the existing infrastructure in Kisangani to support the United Nations deployment. In any event, MONUC intends to maintain within its mandate and capacity a proactive military posture with a wider presence of military observers at points of tension in the city and more intensive patrols.

26. On 14 May, a vehicle carrying two United Nations military observers on patrol in the vicinity of Ikela detonated an anti-tank mine. An Algerian lieutenant colonel was killed and an Indian major was injured. A board of inquiry has been established to investigate the matter. The Uruguayan engineering company, located in Kisangani, is providing demining specialists in support of the investigation. At this stage there is no evidence to suggest that the incident was a deliberate attack against MONUC. Nevertheless, all military observer teams and MONUC personnel have been warned to exercise extreme caution with regard to the mine threat, particularly in areas where tension is running high. In the meantime, MONUC is strengthening its mine-awareness programme.

27. A major problem facing MONUC as it prepares for the main task of phase III, which is the facilitation of voluntary disarmament, demobilization, repatriation, resettlement and reintegration in the eastern part of the Democratic Republic of the Congo, is the lack of a capable force for this challenging task. The Mission's strategy depends on the creation of a climate of confidence and security in the east, for which the deployment of a robust contingent is essential. In the continuing absence of a country willing to provide a force with the necessary capacity, phase III of the Mission's deployment remains, for the present, delayed.

28. In my previous report (S/2002/169, para. 47), I stated that an increase of 850 military personnel was required in order to conduct step 1 of the phase III operations successfully. After further revision, I can now report that an anticipated increase of only 400 military personnel would be required for the key tasks in Kisangani and Kindu. The savings in troop numbers has been achieved because of a change in circumstances: there is no longer a need for a guard unit at Goma or a military railway engineering unit for refurbishing the rail section of the Kisangani-Kindu (K2) link. However, as I pointed out in my ninth report on MONUC (S/2001/970), in order to fully implement phase III operations, a significant increase in the number of military personnel will be required in due course.

29. Preparations to receive the forward force in Kindu are well under way. By mid-June, almost 400 MONUC personnel will be based in Kindu, including an Uruguayan mechanized infantry company plus the bulk of the Uruguayan engineering company. Construction of the Mission's forward mounting base is progressing satisfactorily.

Disarmament, demobilization, repatriation, resettlement and reintegration

30. By its presidential statement of 25 February 2002 (S/PRST/2002/5), the Security Council requested MONUC to make a first assessment of the number of members of the Rwandan armed groups (ex-FAR and Interahamwe militia) in the territory of the Democratic Republic of the Congo. The report prepared by MONUC in response (S/2002/341) provided information on the number, locations and armament of the nine armed groups listed in the Lusaka Ceasefire Agreement, as well as on the Mayi-Mayi. This initial assessment continues to be refined.

31. In my tenth report I described the steps taken by MONUC to disarm, demobilize and repatriate some 1,981 Rwandan combatants it had interviewed, tested and screened at Kamina, Katanga Province (S/2002/169, paras. 61-63). MONUC sent disarmament, demobilization, repatriation, resettlement and reintegration teams several times to Kamina, with the participation of the Government and the Joint Military Commission (JMC), in order to resolve the matter.

32. Shortly before the arrival of the Security Council mission, MONUC received from the Government in Kamina more than 1,000 weapons, mostly light arms, reportedly surrendered by the Kamina combatants. Those weapons were transported to Kinshasa, where they were ceremonially destroyed in the presence of the Security Council mission on 30 April 2002 (see S/2002/537, para. 18). However, efforts to facilitate the eventual repatriation of the combatants by organizing a confidence-building visit of a small number of the ex-combatants to Kigali during the visit of the Security Council mission were unsuccessful. MONUC is continuing to work with the Governments of the Democratic Republic of the Congo and Rwanda, as well as JMC, with a view to arranging such a visit or, alternatively, a visit by Rwandan officials to Kamina.

33. In early May 2002, a MONUC team was dispatched to prepare the establishment of disarmament, demobilization, repatriation, resettlement and reintegration offices in Masisi, Walikale, Shabunda, Goma and Bukavu. However, because of a lack of security guarantees, it was able to visit only

Goma and Bukavu. Visits to the other locations will take place when adequate security can be assured. In this regard, attention was focused on Masisi when a disarmament, demobilization, repatriation, resettlement and reintegration team attempted to establish contact with a group reputedly wishing to repatriate to Rwanda. Again, lack of security and inadequate information made this impossible. On 1 June a senior civilian officer of MONUC was asked by RCD-Goma to leave Goma because of the disapproval of her contacts with the armed groups around Masisi. Despite the difficulties, MONUC is continuing to pursue its mandate and is establishing contact and collecting information on armed groups in the eastern part of the Democratic Republic of the Congo.

Civilian police

34. The 15-member Civilian Police Planning Cell has completed its initial mandate, which was to evaluate and assess the Congolese national police as a whole and to make recommendations to the Security Council. That assessment has shown that major problems with the policing process countrywide have hampered the development of the rule of law. Implementation of a pilot training project developed for use in Kisangani had been delayed; however with the issuance of the Security Council presidential statement of 24 May 2002 (S/PRST/2002/17), MONUC has begun preparations to commence training in July, when the 85 authorized United Nations police personnel are expected to start arriving.

35. The Congolese national police, both in Kisangani and throughout the country, is in need of improvement, in terms of training, equipment and premises, as well as in the attitudes and skills required to conduct democratic policing. I urge the bilateral and multilateral donors to contribute generously to this important endeavour. To the extent that MONUC civilian police can assist in training, it will also be necessary to explore the possibility of establishing a trust fund through which donors can make the contributions that would be required.

36. In addition to the provision of basic technical police training and equipment, it will also be necessary, especially in view of recent events in Kisangani, to ensure that the police force demonstrates a commitment to human rights, the rule of law and the principles of policing in a democratic society, so as to earn the confidence of the local population. As far as possible, the police force will have to be professionalized in order to protect it from undue political influence and to stress its civilian, non-military character.

Public information

37. Radio Okapi began broadcasting simultaneously in Kinshasa, Goma and Kisangani on 25 February and has also gone on the air in Kalemie. Short-wave transmissions have been added to cover isolated parts of the country, and studios in other locations are scheduled to open shortly. In order to provide a service tailored to the principal linguistic groups, locally produced programming is broadcast in local languages at peak periods from the regional studios. The station's live daily programming from Sun City provided the Congolese people with first-hand coverage of the proceedings of the inter-Congolese dialogue.

38. Although feedback from the general population has been very positive, Radio Okapi has also attracted criticism, most notably from the RCD authorities in Kisangani, Kalemie and Goma, for its coverage of current events. RCD authorities have accused the radio station of hostile propaganda towards RCD-Goma, Rwanda and people of Rwandan origin.

39. The Mission's information strategy is being reviewed in close coordination with other components of MONUC. The goal of the strategy is to help ensure a better understanding among the Congolese people of the Mission's mandate and activities. Radio Okapi is also placed at the disposal of United Nations specialized agencies operating in the Democratic Republic of the Congo. MONUC also continues to maintain contacts with the local and international press, including through regular briefings, and is intensifying other outreach activities, such as publications, performances by local theatre groups and informational video programmes in local languages. The MONUC web site (www.monuc.org) was launched on 31 May as a work in progress.

Human rights

40. The human rights situation throughout the Democratic Republic of the Congo remains of grave concern. In the east, serious human rights violations continue in connection with the various conflicts: between Hema and Lendu, between Banyamulenge and RCD-Goma forces loyal to Rwanda, and between

Mayi-Mayi and RCD-Goma and RPA. In both Government- and rebel-controlled areas, human rights violations include police harassment, the detention of human rights activists and journalists for speaking out on political issues and the raiding of homes of political opponents. Reports confirm the use of torture in some detention centres. Throughout the country, acts of violence and abuse against women are common, including in the prisons.

41. The MONUC Human Rights Section provides substantive guidance to local human rights non-governmental organizations, assisting them in drafting human rights reports. In particular, MONUC provides other human rights activists with guidance in monitoring and reporting on the human rights situation, while assessing the social, political and economic data relating to developments in the rule of law in the Democratic Republic of the Congo.

42. Because of the situation prevailing in the Democratic Republic of the Congo and the mandate of MONUC, its Human Rights Section pays special attention to violations of human rights in cases of forced deportation, disappearance, targeted killing, summary execution, rape, torture, inter-ethnic massacre, arbitrary arrest, destruction of property and the questions related to impunity and the rule of law. Human rights officers played a central role in the investigations MONUC conducted in Kisangani following the events of 14 May.

43. The MONUC Human Rights Section and the Human Rights Field Operation in the Congo conduct joint visits to prisons and detention centres and intervene with the authorities for the improvement of prison conditions. They have sometimes secured the release from detention of detainees and human rights activists. In this regard, MONUC has furnished law enforcement officials with pertinent legal instruments and treaty documents governing the administration of justice and the rights of the accused. The Human Rights Section is also actively participating in the deliberations of the Special Commission on the abolition of the Court of Military Order and attending the trial of the alleged assassins of President Laurent-Desiré Kabila.

Child protection

44. The population displacements following the eruption of Mount Nyiragongo in January caused 700 children to be separated from their families. The International Committee of the Red Cross (ICRC), the United Nations Children's Fund, Save the Children and other organizations have now managed to reunite 500 of these children with their families. Following the Mission's intervention, ICRC also reunited with their families 25 children who had been under the care of the President of RCD-Goma since the eruption.

45. During the reporting period, preparations for the demobilization of child soldiers gathered some momentum. The Government has pursued plans to demobilize all child soldiers from FAC. The 280 child soldiers demobilized in December 2001 have received counselling. Some were sent to schools, while older children have received skills training. Several have been reunited with their families. In the coming months, the Government plans to demobilize approximately 1,200 child soldiers. However, most children who have supposedly been demobilized are still in military camps waiting to be reunited with their families.

46. While the RCD-Goma authorities have agreed to demobilize some 2,650 children, they have sent mixed signals regarding the disarmament, demobilization and repatriation of child soldiers. Of the 350 recruits currently training in the Mushaki military training camp, 100 are reportedly between the ages of 15 and 18. In addition, the recruitment of child soldiers continues, particularly by the local defence forces. Such children eventually find themselves with RCD-Goma.

47. The situation of children in and around Bunia in Ituri Province continues to be precarious. Of the 165 demobilized child soldiers, 41 were re-recruited by RCD/K-ML, and 8 of them were killed on the front line. The local UPDF authorities have failed to prevent the fresh recruitment or re-recruitment of children.

Gender issues

48. The MONUC Gender Issues Unit is defining its role and strategies and disseminating the information to MONUC staff. Strategies for gaining a common understanding on gender sensitization, gender mainstreaming and other gender-related issues have been developed for MONUC personnel. The objective of such strategies is to increase sensitivity to the involvement of both genders in decision-making at all levels. The gender unit has participated in four training

sessions for military observers, as well as in activities aimed at the ex-combatants from Kamina.

Humanitarian activities

49 Efforts to address humanitarian problems in the Democratic Republic of the Congo continue to be hampered by insecurity, serious human rights violations, the lack of adequate transportation, a large internally displaced population, frequent epidemics and major nutritional and health problems within a general context of violence and civil strife. Difficulties in gaining access to populations in need are compounded by the country's immense size and frequent evacuations of humanitarian staff for security reasons. Seven evacuations of international humanitarian teams were organized during March and April from North and South Kivu and Katanga. Consequently, the cholera outbreak in northern Katanga Province could not be adequately addressed; during the first quarter of 2002, more than 8,579 cases and 579 deaths were reported.

50. Nonetheless, some progress has been made. Several bilateral donors, non-governmental organizations, United Nations agencies and MONUC organized a humanitarian convoy in April and May on the Congo River. The convoy of six boats, which carried 1,200 tons of food and non-food items (sugar, salt, school materials, clothing, cement, water treatment and construction materials, etc.), will return to Kinshasa with 500 tons of food items for distribution in Kinshasa. As part of the effort to rehabilitate the country's transport infrastructure, talks between managers of the national railway company in the provinces of Katanga and Maniema were held in Kindu in April, facilitated by the United Nations Office for the Coordination of Humanitarian Affairs. The goal of the talks was to discuss the possible reopening of the railway network in the south-eastern part of the Democratic Republic of the Congo.

51. The low level of funding received through the 2002 consolidated appeal framework is a serious handicap to realizing the objectives of the humanitarian community. Of the $194 million requested, only $42 million (21 per cent) has been pledged to date. Although the international community was very generous in its response to the Nyirangongo volcano eruption in Goma in January, contributions are urgently needed to fund the activities identified in the consolidated appeal.

52. The presence and activities of MONUC continue to have a positive impact on the humanitarian situation in many parts of the country. In localities where military observers or contingents are deployed, the Mission's presence allows the population to return to their homes and farmers to resume planting. MONUC staff also draw attention to humanitarian emergencies in remote areas and facilitate the provision of logistical support, including access to MONUC aircraft.

Mine action

53. In February the Mine Action Service of the Department of Peacekeeping Operations started to deploy mine action experts to establish a Mine Action Coordination Centre in Kinshasa, with initially one regional office, in Kisangani. Although the ultimate goal of the Centre is to develop a general mine action plan for the Democratic Republic of the Congo, one of its essential and immediate objectives is to ensure that landmine and unexploded ordnance problems do not hamper the implementation of the Mission's objectives. The Centre will assist MONUC in implementing urgent surveying and mine-clearance operations in areas suspected to be mined, which may present a threat to the further deployment of the Mission or implementation of the disarmament, demobilization, repatriation, resettlement and reintegration programme. Following the recent mine accident in Ikela, the Centre's priority is to provide MONUC staff, in particular military observers, with appropriate training. The Centre has also started to develop a reliable mine/unexploded ordnance information system, and is establishing a liaison and coordination mechanism involving all mine-action actors in the Democratic Republic of the Congo.

Quick-impact projects

54. Quick-impact projects initiated by MONUC have contributed considerably to the peace-building process and have helped to improve the lives of the population. As at May 2002, a total of 57 projects at a total cost of $685,000 were at different stages of implementation. Some 40 per cent of the projects are being carried out in areas under government control, while the remainder are in areas controlled by the armed opposition. Important projects include the rehabilitation of bridges, roads, schools and hospitals, the provision of school and medical supplies, the provision of fuel for the three humanitarian boat convoys, the restoration of

electricity and water supplies and the construction or rehabilitation of shelters for internally displaced persons.

IV. Logistical activities

55. As described in my tenth report, MONUC poses the greatest logistics challenge in the history of United Nations peacekeeping operations (S/2002/169, para. 53).

56. However, in a cost-saving effort, MONUC was able to improve its strategic supply routes and is now receiving most of its equipment and materiel by sea from the United Nations Logistics Base in Brindisi, Italy, at the Matadi port on the west coast of the Democratic Republic of the Congo. Cargo is then moved by road to Kinshasa for onward movement by barge to locations accessible by river. Heavy and sensitive equipment that would be at risk due to bad road conditions is off-loaded at Libreville, from where it is airlifted directly to locations in the Democratic Republic of the Congo. Contingent-owned equipment is also being shipped by sea to Dar es Salaam, from where it is airlifted to as close as possible to the troops' operational locations in the east of the country. To date, MONUC has received two ships travelling from Brindisi to Libreville and Matadi carrying United Nations-owned equipment and two ships in Dar es Salaam carrying contingent-owned equipment. The deployment and rotation of contingents is conducted by the strategic airlifting of troops directly to locations as close as possible to their areas of deployment in order to meet operational time lines and for purposes of cost efficiency.

57. MONUC is also increasingly using the rivers to transport cargo and fuel within the Democratic Republic of the Congo to reduce costs. A total of 12 cargo barges and 9 fuel barges have been operated and/or committed from January until the end of June 2002. Furthermore, with the progressive installation of both contingent-owned water-purification and United Nations-supplied water-purification and bottling plants in various locations within the mission area, MONUC is able to eliminate the international procurement of bottled drinking water, thereby reducing transport and other costs.

58. MONUC commenced logistical preparations for phase III, and is gradually redeploying its human and material resources from locations currently of lesser priority to locations in the east.

59. Air operations continue to be the most critical and high-risk area of the support operation. Together with the International Civil Aviation Organization, MONUC is planning a programme to improve air safety and the capacity of important airfields. To achieve this goal, the Mission is also outsourcing some of its support activities related to airfield services.

60. After the volcanic eruption on 17 January, MONUC was forced to close its logistics base in Goma. However, limited logistical support is still being provided by the Mission to humanitarian agencies at Goma. MONUC also continues to support the office of the neutral facilitator, JMC, some United Nations agencies, as well as the polio vaccination campaign conducted throughout the country and the national school examinations. It should be noted that the lack of adequate medical facilities in the Democratic Republic of the Congo continues to pose a problem. MONUC has to use hospitals in South Africa and Kenya for medical evacuation purposes.

61. In my tenth report, I outlined the possible advantage to MONUC of using the Kisangani-Kindu rail/river transport corridor (K2 link) to supply equipment and fuel to Kindu (ibid., para. 54). The Department for International Development of the United Kingdom of Great Britain and Northern Ireland has completed a study on the K2 link and the financial investment involved. According to the study, which finds the rail part of the link prohibitively expensive, it would take up to two years to complete the repairs and construction of the road portion of the transport corridor. The question of the maintenance of the road once it is in use also remains unresolved. The Mission's initial study on the cost-effectiveness of the use of the road/river option indicates that the capital investment in fuel trucks would have to amortize for two more years before the option became more cost-effective than the supply of fuel by air. Therefore, from a purely logistical point of view, the road/river corridor option may become cost-effective for MONUC only two to three years after the project is completed. This is of course based on the assumption that there will be no security risks during this time. However, owing to its merits for the longer-term rehabilitation and development of the Democratic Republic of the Congo, the Secretariat will continue to seek a solution through

bilateral donors and United Nations agencies involved in the project.

V. Financial aspects

62. The General Assembly, in its resolution 56/252 B of 27 March 2002, appropriated an amount of $56.8 million for MONUC for the period from 1 July 2001 to 30 June 2002, in addition to the $393.2 million for the period from 1 July 2001 to 31 March 2002. The budget for MONUC for the period from 1 July 2002 to 30 June 2003, as recommended by the Advisory Committee on Administrative and Budgetary Questions, which is currently before the General Assembly, amounts to $581.9 million (see A/56/897 and A/56/887/Add.11), assuming that the Security Council extends the mandate of MONUC for a further 12-month period (see para. 75 below).

63. Since its establishment in October 1999, the Trust Fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.1 million, with expenditures authorized to date in the amount of $0.9 million.

64. As at 15 May 2002, unpaid assessed contributions to the MONUC special account amounted to $102.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,409 million.

VI. Observations

65. There have been many important developments in the past year of the Mission's current mandate that give cause for gratification. The ceasefire has continued to hold generally along the entire length of the former confrontation line. Congolese representatives have conducted a dialogue on the governance of their country, and have achieved a large measure of agreement on several important issues. The Government of the Democratic Republic of the Congo, MLC and RCD-Goma have signed an agreement on the reopening of the Congo River aimed at revitalizing commercial traffic. Large numbers of foreign forces have been withdrawn, including all the Namibian forces. The 1,981 Rwandan combatants at Kamina have surrendered their weapons, which were then publicly destroyed, and have agreed in principle to be demobilized. MONUC has increased its military strength to over 3,800 troops and military observers, a significant number of them based in Kisangani. Preparations in Kindu for the deployment of the MONUC forward task force are well under way.

66. Nevertheless, there continue to be considerable difficulties. Fighting has intensified in the east, mostly involving clashes between armed groups that are not signatories to the Lusaka Agreement, RCD-Goma and RPA. The agreement reached at Sun City, while an important step, is not yet an all-inclusive one, which is why I have decided to appoint a Special Envoy to assist the parties. There has yet to be serious discussion between the Governments of the Democratic Republic of the Congo and Rwanda on their respective security concerns. Grave violations of human rights persist. The great majority of Congolese still suffer the effects of war, hunger and poverty, disease, lack of access to clean water and inadequate living conditions. Hundreds of thousands have been displaced by conflict and insecurity.

67. I strongly deplore the violence that has once again afflicted the city of Kisangani in the past few weeks. Contrary to the undertakings of the RCD-Goma leadership, and in continued violation of Security Council resolutions, the city of Kisangani has not yet been demilitarized. The ethnically based calls for violence, as well as reports of subsequent reprisals directed against unarmed civilians and military and police officers, deserve to be condemned. MONUC will extend its assistance, including through continuing efforts with the Office of the United Nations High Commissioner for Human Rights, to gather information on the events that began on 14 May. It is absolutely essential that the local authorities facilitate these investigations. Furthermore, I reiterate my call to the RCD-Goma leaders to demilitarize Kisangani without further delay. It is hoped that, together with the extended patrolling by MONUC, the commencement of MONUC police training activities in Kisangani will assist in normalizing the situation in that city. Depending on the progress achieved in police training in Kisangani, the Secretariat will consider the possibility of further expansion of the police training programme to other key areas in the Democratic Republic of the Congo and will present appropriate recommendations to the Security Council in due course.

68. I and the international community commend Sir Ketumile Masire, the neutral facilitator of the inter-Congolese dialogue, for the successes achieved so far in bringing together representatives of such a huge and diverse country as the Democratic Republic of the Congo. Those representatives themselves deserve credit for agreeing on more than 30 resolutions on the future governance of their country. My hope is that those agreements can form the basis for further talks aimed at the creation of a broader and more inclusive accord that will then form a firm basis for a transitional authority.

69. While the reduction in the number of foreign forces in the territory of the Democratic Republic of the Congo is encouraging, the conflict cannot be resolved without the total withdrawal of all foreign forces. Those countries with forces inside the Democratic Republic of the Congo should withdraw them in an orderly manner as soon as possible, and allow MONUC to monitor and verify the withdrawal. As a means of encouraging the conditions necessary for withdrawal, the Security Council mission, during its recent visit to the Great Lakes region, proposed the establishment of a "curtain" of troops along the borders of the Democratic Republic of the Congo with Rwanda, Burundi and Uganda (S/2002/537, para. 9). MONUC is continuing to explore the feasibility of such a proposal, and intends to discuss it with JMC. This curtain, or border security zone, would facilitate the final withdrawal of foreign forces from the territory of the Democratic Republic of the Congo. The width of such a zone, its regime and its duration would be decided in consultation with the countries involved, and with regard to the security concerns of both the Democratic Republic of the Congo and Rwanda.

70. The international community welcomes the signing of an agreement on the reopening of the Congo River to commercial traffic, and looks forward to its prompt implementation. Reopening the river system to commerce is the most important single step that can be taken to restore the economic and social life of much of the Democratic Republic of the Congo, restoring its sense of territorial integrity and sovereignty and laying the foundations for national recovery. All the parties concerned are invited to hasten arrangements to reopen the river.

71. The Security Council has already decided, in its resolution 1291 (2000), that MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect civilians under imminent threat of physical violence. While MONUC will do its utmost, it does not have the means to provide broader protection to civilians at large. Despite the deployment of additional MONUC troops to Kisangani, which is a staging area for subsequent deployment to Kindu, MONUC faces a significant dilemma, since public expectations that MONUC will protect civilians at risk of violence will also rise. Yet MONUC troops currently deployed in the Democratic Republic of the Congo are not equipped, trained or configured to intervene rapidly to assist those in need of such protection.

72. If MONUC is to take the steps necessary to enable it to protect more effectively civilians under imminent threat of physical violence, it will be necessary for the Security Council to consider adjusting the strength of MONUC with a view to reconfiguring and re-equipping contingents considerably to permit them to intervene more actively. However, it must be recalled that, as in other peacekeeping operations, the basic responsibility of providing protection to civilians rests with the local authorities, who must act in a manner consistent with internationally accepted standards of human rights.

73. Continued unrest in the eastern part of the Democratic Republic of the Congo, the absence so far of a comprehensive outcome to the inter-Congolese dialogue and difficulties in identifying a militarily capable troop-contributing country that would enable MONUC to establish an effective presence in the east, have obviously limited the prospects of making rapid progress in the disarmament, demobilization and repatriation of armed groups. Insecure conditions in the east have also made it extremely difficult to establish reliable contacts with the leaders and members of the groups. I therefore invite the Government of the Democratic Republic of the Congo, in the light of the commitments made by President Kabila during the recent visit of the Security Council mission, to fully support the disarmament, demobilization, repatriation, resettlement and reintegration process, which might involve ensuring that no military supplies reach the armed groups operating there; investigating reports that persons suspected of crimes against humanity in the 1994 genocide may be present in the territory of the Democratic Republic of the Congo and cooperating fully with the International Tribunal for Rwanda; and taking steps to ensure that the territories of the

Democratic Republic of the Congo and its neighbours are not used as a base for attacking all countries involved. MONUC would be prepared to assist in the implementation of those steps. More cooperation is also needed from the RCD-Goma to allow the disarmament, demobilization, repatriation, resettlements and reintegration process to be carried forward.

74. The international community will no doubt strongly deplore the recently mounted campaign against MONUC and, in particular, the attempts by RCD-Goma to impose a "ban" on my Special Representative, as well as the expulsions of MONUC personnel from the areas currently controlled by RCD-Goma. I trust that the Security Council will stand firmly behind the United Nations staff and, in particular, Mr. Ngongi, who enjoys my full support and confidence. For its part, Radio Okapi is doing its utmost to ensure that its broadcasts are impartial and factual. RCD-Goma should understand that it is in their own interest and, indeed, that of the Congolese people, to stop harassing United Nations personnel and unblock the peace process.

75. Despite recent serious difficulties, MONUC continues to serve the international community well in the Democratic Republic of the Congo. Its accomplishments over the past 12 months, in extremely challenging and sometimes hazardous conditions, confirm my view that it remains the best instrument for carrying out the wishes of the Security Council. Accordingly, I recommend the extension of the Mission's mandate for a further 12 months, until 15 June 2003. I also recommend an increase in the authorized troop strength by 400 troops (see para. 28).

76. I wish to express my appreciation to my Special Representative, Mr. Ngongi, to the MONUC Force Commander, General Mountaga Diallo, and to all the civilian and military personnel of the Mission for the constant contribution they are making, often under very difficult circumstances, to the restoration of peace in the Democratic Republic of the Congo.

Annex

United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength (as at 1 June 2002)

	Military component				
	Observers	*Staff officers*	*Troops*	*Total*	*Civilian police officers*
Algeria	6	-	-	6	-
Argentina	-	-	-	-	2
Bangladesh	12	9	-	21	-
Benin	19	2	-	21	1
Belgium	-	5	-	5	-
Bolivia	-	2	202	204	-
Burkina Faso	11	-	-	11	-
Cameroon	-	1	-	1	-
Canada	-	6	-	6	-
China	9	1	-	10	-
Czech Republic	4	1	-	5	-
Denmark	-	2	-	2	-
Egypt	24	2	-	26	-
France	1	2	3	6	-
Ghana	17	2	400	419	-
India	21	10	-	31	-
Indonesia	3	7	-	10	-
Ireland	1	1	-	2	-
Italy	-	3	-	3	-
Jordan	21	7	-	28	-
Kenya	15	14	-	29	-
Malawi	17	-	-	17	-
Malaysia	6	12	-	18	-
Mali	21	3	-	24	2

	Military component				
	Observers	*Staff officers*	*Troops*	*Total*	*Civilian police officers*
Morocco	-	5	614	619	-
Mozambique	2	-	-	2	-
Nepal	15	2	-	17	2
Niger	11	1	-	12	2
Nigeria	25	1	-	26	-
Norway	3	2	-	5	-
Pakistan	21	16	-	37	-
Paraguay	16	1	-	17	-
Peru	3	-	-	3	-
Poland	3	-	-	3	-
Portugal	-	-	-	-	2
Romania	25	1	-	26	-
Russian Federation	28	1	-	29	-
Senegal	16	18	460	494	2
South Africa	1	9	135	145	-
Spain	-	1	-	1	-
Sweden	2	-	-	2	1
Switzerland	-	1	-	1	-
Tunisia	19	5	255	279	-
United Kingdom	-	6	-	6	-
Ukraine	10	1	-	11	-
Uruguay	30	25	1 095	1 150	-
Zambia	10	4		14	-
Total	**450**	**190**	**3 164**	**3 804**	**14**

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Letter dated 6 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the President of the Security Council

During the private meeting of the Security Council on 31 May 2002 to wrap up the work of the Council, many participants responded positively to the suggestion made by the Singapore Presidency of the Council for the month of May that it would proceed to prepare, under its own responsibility, a summary paper on the main points raised at the meeting.

The summary paper is attached (see annex). The purpose of the paper is to indicate the areas and suggestions for follow-up action. It is not meant to be exhaustive on the issues raised, but for use as a resource to improve the work of the Security Council, both procedural and substantive.

I would be grateful if the contents of the present letter and its attachment could be brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Christine **Lee**
Chargé d'affaires a.i.

02-41683 (E) 070602

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Annex to the letter dated 6 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the President of the Security Council

Security Council private meeting on 31 May 2002 to wrap up the work of the Council for May 2002

Summary paper on follow-up action

General points on the work of the Security Council

- The Security Council must take stronger steps to implement its own resolutions. The Security Council cannot selectively implement only certain resolutions. A catalogue of Security Council resolutions that have not been implemented and need to be followed up could be prepared.

- There are some inexplicable omissions in the Council's agenda which are not commensurate with the gravity of the actual situation and the potential impact of the conflict. The Council must live up to its Charter obligations, particularly in preventing the outbreak of conflicts.

- The Council is most effective when united. Leadership is critical, whether it is the Secretary-General, a lead country or United Nations representatives on the ground. Council pronouncements must be supplemented by diplomacy in the field. The Council must work with others to find common ground among interested parties. It should act rapidly and decisively, drawing on all the help it can obtain. In this regard, it should strengthen its relationship with relevant regional organizations and other United Nations bodies. This is the essence of a multilateral approach. Quarterly meetings among the Presidents of the Security Council, the Economic and Social Council and the General Assembly and the Secretary-General could be held on a specific topical issue.

- Successful exit has to rest on a commitment to stay until the risk of relapse has passed. For sustainable peace, the Security Council should develop a more comprehensive approach by integrating political, socio-economic and humanitarian dimensions into its work ranging from conflict-prevention, peacekeeping and post-conflict peace-building.

- The Council's agenda is overloaded. There is a need to sharpen strategic focus. In this regard, the Secretariat's analytical and strategic capabilities should be strengthened along the lines of the Brahimi report (A/55/305-S/2000/809) in order to effectively support the Council.

Working methods and procedures

- The Council should be more transparent. In particular, there should be more public meetings, and more judicious use of closed-door informal consultations. Council members should not be wary of making their differences known or mute voices of dissent.

- There was broad support for an interactive style for Council debates, including allowing non-Council members to speak first, alternating between Council and

non-Council members, setting strict time limits and cutting out congratulatory remarks. Statements should be focused on the subjects under discussion.

- More orientation public meetings should be held so that Council decisions are not pre-cooked before non-Council members are able to give their inputs. "Outreach" public meetings like the one held on the Ad Hoc Working Group on Africa could be replicated for other Working Groups.

- Background papers of meetings are useful and should be prepared where possible. Non-Council members should be duly notified of public meetings, including publishing the Council's intention to hold public debates in the Journal of the United Nations a week in advance. There is a need to improve or maintain the emergency messaging system for notification of urgent and unscheduled meetings of the Council to keep non-Council members duly informed.

- There was also some support for the application of Articles 31 and 32 of the Charter of the United Nations to all meetings of the Council, including informal consultations of the whole. This would mean that the representative of any given country would be involved whenever the Council considers a report on the situation in that particular country.

- Briefings to non-Council members after informal consultations of the whole should be institutionalized, regular and up-to-date. This could be done through for example the appointment of a spokesperson.

- Active use of the Internet, for example the Singapore Presidency web site (www.mfa.gov.sg/unsc/presidency02), could help disseminate information about the Council's work. The Secretariat should look into assisting those Council members who do not have the resources or staff to run such a web site.

Wrap-up sessions

- The objective of wrap-up sessions is to make concrete proposals to improve the Council's work. There was broad support for institutionalizing regular wrap-up sessions involving non-Council members.

Security Council missions

- Council missions are useful and have an important role to play. However, the Council should draw up clear mandates and develop transparent and objective criteria for future dispatches of missions, including the size, composition and costs of these missions. Such a cost-benefit analysis could be included in the Council's annual report to the General Assembly.

- It is important for Council members on mission trips to have day-to-day coordination to make sure that members are kept aware of the latest developments and are able to present a united front. Special representatives of the Secretary-General to the conflict situation should contribute fully to these missions.

Situation in the Middle East, including the Palestinian question

- There was general disappointment that the Council could not ensure compliance with its own resolutions, particularly resolution 1405 (2002),

which welcomed the Secretary-General's initiative to send a fact-finding team to the Jenin refugee camp. Some speakers regretted that the Council had lost its initiative to the General Assembly.

- The Council should redouble its efforts to fulfil its responsibility on this issue, including realizing the two-State vision of Israel and Palestine living side by side within secure and recognized borders.

East Timor

- East Timor is one of the Council's success stories. Among the reasons for its success were the Council's rapid and decisive action, a clear and robust mandate, and close partnership with all the partners who could help. Equally importantly, the Council should not withdraw too early and risk a relapse.

Ad Hoc Working Group on Africa

- The public debate on the Working Group brought focus to African issues and provided useful recommendations, which have been encapsulated in the consolidated summary issued in a note by the President. These recommendations should be followed up promptly within a defined time-line.
- The Working Group on Africa can become a model for an institutionalized framework of cooperation between the Security Council and other United Nations bodies and regional and subregional organizations.

Great Lakes region

- The Council's mission to the Great Lakes region has made progress in the peace process. However, follow-through on the recommendations made by the mission is essential.

Sierra Leone

- There was broad agreement that the elections went well, but the Council needs to continue to pay close attention to the situation. The Council should also start considering a defined exit strategy, possibly along the lines of the United Nations Mission of Support in East Timor (UNMISET).

Liberia

- There remain concerns about the situation in Liberia and its inter-linkages with the Mano River region. In this regard, the establishment of the United Nations for West Africa Office would help, as well as continued dialogue within the Mano River Union countries to strengthen confidence-building measures. There is a need to ensure full implementation of Council resolution 1408 (2002).